

Committee on The Environment
May 24, 2018

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON THE ENVIRONMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 24, 2018
3:40 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN AL TAUBENBERGER

BILL 180234 - An ordinance amending Title 21
of The Philadelphia Code, entitled
"Miscellaneous," by creating a new Chapter
21-2600, entitled "Environmental Impact
Statements," to provide for the preparation of
such statements in connection with Council
legislation...

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2 COUNCILWOMAN BROWN: Good
3 afternoon, good afternoon, good
4 afternoon. We are delighted that we have
5 a quorum. The City Council Committee on
6 the Environment is now in a public
7 hearing to hear testimony on Bill No.
8 180234.

9 Please welcome Councilmembers
10 Al Taubenberger, Councilwoman Jannie
11 Blackwell, Councilman Derek Green, and
12 myself serving as Chair of this
13 Committee.

14 We will now ask the Clerk to
15 read the title of Bill No. 180234.

16 THE CLERK: An ordinance
17 amending Title 21 of The Philadelphia
18 Code, entitled "Miscellaneous," by
19 creating a new Chapter 21-2600, entitled
20 "Environmental Impact Statements," to
21 provide for the preparation of such
22 statements in connection with Council
23 legislation; all under certain terms and
24 conditions.

25 COUNCILWOMAN BROWN: Terrific.

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2 While we call up the first
3 panel with Ms. Lynn Robinson and also
4 with the Clean Air Council leadership,
5 Logan Welde or Welde. Please pronounce
6 that.

7 MR. WELDE: Welde.

8 COUNCILWOMAN BROWN: Welde,
9 okay. Thank you, thank you, thank you.

10 Forgive me. I need to start
11 with the Administration. So let's have
12 the Administration first, Director of the
13 Mayor's Office of Sustainability, to be
14 followed by Logan Welde and Lynn
15 Robinson.

16 (Witness approached witness
17 table.)

18 COUNCILWOMAN BROWN: I want to
19 say good afternoon to my colleagues, and
20 I want to thank everyone who stepped away
21 from their desks to help us create a
22 quorum this afternoon.

23 I would be remiss always not to
24 say thank you to the Administration for
25 the partnership my staff has enjoyed and

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2 continues to enjoy with the Mayor's
3 legislative team and the leadership of
4 the Office of Sustainability. Now more
5 than ever, of course, we must continue to
6 work to build and develop strong
7 initiatives that will continue to
8 contribute in a responsible, even way
9 healthier, safer, and more sustainable
10 environments for our families here in the
11 City.

12 The EPA reports that the United
13 States accounts for 5 percent of the
14 world's population and 22 percent of the
15 world's carbon emissions that contribute
16 to greenhouse effect. Climate change and
17 other environmental concerns are
18 inherently linked to the public health,
19 food, and water security of our citizens.
20 Therefore, taking a proactive approach in
21 understanding the effects of
22 environmental concerns are necessary.

23 On March the 15th of this year,
24 my office introduced Bill No. 180234 that
25 will create an Environmental Impact

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2 Statement. This EIS is a document
3 prepared to describe the effects for
4 proposed activities on the environment in
5 the City of Philadelphia. While not a
6 perfect document, it shall be prepared
7 for any pending ordinance upon the
8 request of any member of the Philadelphia
9 City Council. The purpose of the
10 legislation is to ensure that
11 Councilmembers are getting adequate
12 resources necessary to better understand
13 the impacts that a proposed legislation
14 may have on the quality of life here in
15 our City.

16 With extreme proposed federal
17 cuts to the EPA, it has become
18 increasingly imperative that the
19 environmental community and all
20 Philadelphians seek to do all we can in a
21 responsible and reasonable way, given
22 tight budget constrictions, what we can
23 do to protect the air, have pure water,
24 along with a beautiful aesthetic
25 environment.

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2 A copy of technical amendments
3 have been circulated. In the end,
4 everyone must recognize what matters
5 most, the priority of our citizens, the
6 health and safety of our families and our
7 children. For these reasons and many
8 more, I'm asking for your vote on this
9 bill.

10 And with that, we will now move
11 to Christine Knapp, Director of the
12 Mayor's Office of Sustainability.

13 Thank you, and good afternoon.

14 MS. KNAPP: Good afternoon.

15 Thank you, Chairwoman Reynolds Brown and
16 members of the Committee. I'm Christine
17 Knapp. I'm Director of the Office of
18 Sustainability. Thank you for providing
19 the opportunity to have testimony on Bill
20 No. 180234, and thank you, Councilwoman,
21 for your continuing leadership and
22 support for sustainability efforts in
23 Philadelphia.

24 The Office of Sustainability is
25 responsible for the implementation of

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2 Greenworks, a vision for a sustainable
3 Philadelphia, which is the City's plan to
4 create a healthy, equitable, and
5 sustainable city for all Philadelphians.
6 The plan includes action on air, food,
7 energy, climate change, natural
8 resources, waste, transportation, and
9 economic opportunity.

10 While the Office of
11 Sustainability plays a central
12 coordinating role for City government, we
13 also work closely with numerous other
14 partners to advance progress. Other City
15 departments and agencies, external
16 non-profits, academic institutions,
17 community groups, and City Council
18 members are all important stakeholders
19 that help implement programs and policies
20 that advance our vision.

21 To that end, Bill No. 180234
22 gives City Council a more explicit role
23 in advancing sustainability by creating
24 the opportunity for Councilmembers to
25 request an Environmental Impact Statement

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2 in relation to certain City ordinances.
3 This statement would enable the Office of
4 Sustainability, in partnership with
5 relevant other City agencies, to review
6 the proposed legislation and analyze how
7 it might help or hurt the City meet our
8 sustainability goals. This information
9 will then be shared with Councilmembers
10 to inform their decision-making regarding
11 that specific ordinance.

12 We feel this legislation will
13 help to empower City Council members with
14 information and will help to ensure the
15 sustainability goals of the City are
16 given thoughtful consideration in the
17 legislative process.

18 For this reason, I am pleased
19 to support Bill No. 180234, and I am
20 happy to answer any questions that you
21 may have.

22 COUNCILWOMAN BROWN: Any
23 questions for the witness, this witness,
24 the Administration?

25 (No response.)

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2 COUNCILWOMAN BROWN: Well, we
3 thank you, the leadership of the Office
4 of Sustainability, and we thank you for
5 working with our office in tandem to
6 craft a piece of legislation that is not
7 perfect, but moves us closer to what we
8 can do in a reasonable way given our
9 tight budget constraints.

10 Thank you very much.

11 MS. KNAPP: Thank you.

12 COUNCILWOMAN BROWN: Now if we
13 will call up our last and final panel
14 with Ms. Lynn Robinson, Director of the
15 Neighbors Against the Gas Plants, and
16 also Logan Welde, leadership of Clean Air
17 Council.

18 Please have a seat and please
19 state your name and provide your
20 testimony.

21 (Witnesses approached witness
22 table.)

23 MS. ROBINSON: Okay. Good
24 afternoon.

25 COUNCILWOMAN BROWN: Thank you.

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2 MS. ROBINSON: I'm not going to
3 give a flowery speech. I'm just going to
4 go right for it, and I hope that
5 Councilman Green is paying attention,
6 because I'm an ex-teacher. I just
7 retired. Everybody has to pay attention.

8 So this is about Bill No.
9 180234. It's a good-looking ordinance,
10 except for two aspects, which could be
11 fatal flaws, quote/unquote, if not
12 corrected. These aspects are No. 5 at
13 the end, and the one other major
14 repeating directive which threatens
15 separation of legislative and executive
16 powers.

17 We have needed an ordinance
18 similar to this and could have avoided
19 SEPTA's attempt to operate a polluting
20 gas power plant project in Nicetown with
21 simply Exhibit A, Section 1, which reads,
22 Provide an overview of the purpose and
23 need for the proposed legislation.

24 I mean, giving need for a
25 project should be the first thing that

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2 the City demands, and I'm glad it's
3 number one.

4 The problem with No. 5, it
5 says, The lack of preparation of an
6 Environmental Impact Statement requested
7 pursuant to the section shall not
8 preclude the final adoption of a bill.

9 In translation, this means that
10 at the discretion of Council as a whole
11 or at the discretion of a District
12 Councilmember, any private company or
13 public utility can negotiate to skirt an
14 Environmental Impact Statement for a
15 polluting project in a Philadelphia
16 neighborhood. No. 5 is an obvious
17 loophole and openly invites trade-offs
18 between public health and whatever can be
19 offered to Council to create a quid pro
20 quo. This type of loophole is called
21 corruption. Please strike No. 5 from the
22 language of the bill.

23 If I'm misinterpreting the
24 intent of that language and it is not
25 intended as a loophole, then the language

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2 needs refining so that no Councilperson
3 or polluter or lawyer in the future will
4 misinterpret it.

5 The fatal flaw in Bill No.
6 180234 needs to be removed in order for
7 the bill to have any teeth and actually
8 be utilized evenly and fairly.

9 The other issue is separation
10 of legislative, executive, and judicial
11 powers. If I understand the language
12 correctly, Environmental Impact
13 Statements are to be forwarded to the
14 Director of Sustainability. If that
15 means the Mayor's Office of
16 Sustainability, then we have a problem of
17 merging the separate parts of our
18 democratic process. City Council needs
19 its own measuring stick for
20 sustainability, perhaps fashioned from
21 the environmental groups in the City
22 which function because their constituents
23 volunteer their time to make them
24 functional and while others have salaried
25 positions in those environmental groups.

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2 So please keep a clear line between
3 legislative and executive branches in
4 this ordinance.

5 In summary, please make this
6 bill truly protective of the City
7 environment with no wiggle room. If this
8 ordinance cannot be made retroactive,
9 Council will need to find another way to
10 halt SEPTA's plan to burden the Lower
11 Northwest with 81.6 tons of toxic
12 emissions which will be added to diesel
13 exhaust from SEPTA's largest bus depot
14 and Route 1 traffic. These added
15 emissions would cause and exacerbate a
16 range of public health disease stressors
17 such as dementia and, for children,
18 impaired cognitive development, asthma,
19 COPD, high blood pressure, and kidney
20 disease.

21 Thank you for listening.

22 COUNCILWOMAN BROWN: You're
23 welcome.

24 We will hear all of the
25 testimony and then address your concern

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2 regarding No. 5, and I am going to yield
3 to the lawyer on our Committee,
4 Councilman Derek Green, with regards to
5 our ability to hold up a bill.

6 Please, let's hear from
7 Mr. Welde.

8 And let me acknowledge the
9 presence of Councilmember of this
10 Committee Councilwoman Helen Gym.

11 Please.

12 MR. WELDE: Good afternoon, and
13 thank you for allowing us to testify. My
14 name is Logan Welde. I'm a Staff
15 Attorney at Clean Air Council. Clean Air
16 Council, our mission is to protect and
17 defend everyone's right to breathe clean
18 air and have a healthy environment. We
19 have over 5,000 members and activists
20 throughout Philadelphia.

21 While Bill No. 180234 was
22 proposed with good intentions and the
23 Clean Air Council strongly supports its
24 intent to better inform City Council
25 members and other members of the

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2 Philadelphia government of the
3 environmental impacts of any actions they
4 take, this proposed bill does not
5 accomplish that goal in a meaningful way
6 and, therefore, Clean Air Council cannot
7 support this bill in its current form.

8 Under environmental law, an
9 Environmental Impact Statement is a
10 serious undertaking that fully assesses
11 any and all environmental impacts of a
12 proposed action. Traditionally, an EIS,
13 as they're known, is overseen by a group
14 of engineers who have the proper
15 technical tools to collect data and
16 complete an Environmental Impact
17 Statement. What is proposed in this bill
18 is not an Environmental Impact Statement.
19 It is misleading to the members of City
20 Council and their concerned constituents
21 to refer to the process envisioned by
22 this bill as an Environmental Impact
23 Statement.

24 Clean Air Council would support
25 changing the name from Environmental

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2 Impact Statement to something not
3 associated with this existing
4 requirement, possibly something like
5 Administrative Environmental Assessment
6 or something. However, a name change
7 alone does not allay all of our concerns
8 with this bill.

9 We are very concerned that this
10 bill tasks the Office of Sustainability
11 with completing this analysis. While
12 Clean Air Council has the utmost respect
13 for the Office of Sustainability, we do
14 not believe that the staff have either
15 the training or resources to complete an
16 EIS or something similar. Due to the
17 extensive time and research needed to
18 complete an EIS, it is unlikely that the
19 Office of Sustainability currently has
20 the technical tools or funds to prepare
21 Environmental Impact Statements for the
22 City of Philadelphia.

23 Additionally, with only ten
24 days to properly complete an
25 Environmental Impact Statement, it is

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2 unlikely that these statements will be
3 completed in time. An actual EIS can
4 take months to years to accomplish.

5 Clean Air Council's final
6 concern with the bill is that it does not
7 create a mandatory obligation. The City
8 of Philadelphia must comply with the
9 Pennsylvania Constitution, including
10 Article I, Section 27 called the
11 Environmental Rights Amendment, or ERA.
12 This amendment reads, The people have a
13 right to clean air, pure water, and to
14 the preservation of natural, scenic,
15 historic, and aesthetic values of the
16 environment. Pennsylvania's public
17 natural resources are the common property
18 of all the people, including generations
19 yet to come. As trustees of these
20 resources, the Commonwealth shall
21 conserve and maintain them for the
22 benefit of all the people.

23 Recent Pennsylvania Supreme
24 Court decisions have held that the ERA
25 creates a duty of any agency of the

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2 Commonwealth to protect the environment
3 and, quote, "requires each branch of
4 government to consider, in advance of
5 proceeding, the environmental effect of
6 any proposed action on the
7 constitutionally protected features,"
8 unquote.

9 This makes an environmental
10 review of some sort of obligation, not
11 voluntary or avoidable, but mandatory.

12 Clean Air Council does support
13 this Committee's efforts as evidenced by
14 the intent of this bill. However, Clean
15 Air Council does not support this current
16 proposed legislation for the previously
17 stated reasons.

18 Additionally, Clean Air Council
19 would invite this Committee to address
20 other pressing environmental issues
21 facing Philadelphians. Philadelphia is
22 extremely polluted. Its air, land, and
23 water are trashed. The Council is
24 concerned that this Committee has not met
25 in over a year and, in fact, has only met

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2 a handful of times over the past five
3 years. The Council would ask that this
4 Committee hold hearings on the state of
5 the environment of Philadelphia,
6 including issues such as litter and short
7 dumping, addressing plastic bag usage,
8 circulars, and all single-use plastic;
9 lack of vision on electric vehicles; poor
10 implementation of solar, wind, and
11 sustainable energy sources; lack of
12 enforcement of commercial recycling and
13 low rate of residential recycling; no
14 citywide policy on e-waste; no
15 enforcement of energy codes by L&I during
16 standard building inspections; and little
17 to no enforcement of City idling laws. I
18 am aghast at the fact that no agency in
19 Philadelphia has any idling rules at all,
20 and we calculated there's about \$6
21 million in waste over the last two years
22 of City vehicles sitting and idling when
23 the drivers go to lunch or they sleep in
24 their vehicles. Idling pollution is the
25 single largest air pollution, illegal air

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2 pollution, in Philadelphia.

3 We are generally concerned that
4 there are so many wide-ranging and
5 serious environmental issues that this
6 Committee could investigate. By not
7 having regular meetings, the Clean Air
8 Council is concerned that these important
9 environmental issues are not being
10 addressed. We call on this Committee, in
11 particular Councilwoman Reynolds Brown's
12 office, to invite groups like ours to
13 begin to address these issues as well as
14 schedule regular meetings of the
15 Environmental Committee.

16 Thank you.

17 COUNCILWOMAN BROWN: If we
18 could please first start with your
19 concerns, Ms. Robinson. I'm going to
20 yield to Councilman Green with regards to
21 the request of Ms. Robinson and our
22 ability to hold up a bill because we do
23 not have -- I don't want to misquote you,
24 my dear.

25 MS. ROBINSON: What I'm saying

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2 is, No. 5 basically is a loophole. It
3 allows there not to be an Environmental
4 Impact Study. And so it's not mandatory,
5 and unless an Environmental Impact Study
6 is mandatory, there's no point in the
7 bill. It's not going to protect the
8 City, because anybody with a nice deal is
9 going to make a deal with someone in City
10 Council or with the Council to get around
11 that.

12 COUNCILWOMAN BROWN: Anybody
13 with what kind of deal?

14 MS. ROBINSON: It opens the
15 door for dealmaking. It opens the door
16 for a company or a public utility to say,
17 Well, I'm going to put money into this
18 project, which you really want, if I
19 don't have to do the impact study. And
20 the bill says, No. 5, that legislation
21 can go forward without an impact study.

22 And so I'm sort agreeing with
23 my colleague right here. My speech is
24 not as sophisticated, but this bill does
25 not make the study mandatory and so --

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2 from my reading of it.

3 COUNCILWOMAN BROWN: Councilman
4 Green.

5 COUNCILMAN GREEN: Thank you,
6 Madam Chair.

7 The plain reading of this
8 language says, The lack of preparation of
9 an Environmental Impact Statement
10 requested pursuant to the section shall
11 not preclude the final adoption of a
12 bill.

13 The language of a bill is
14 broad, meaning that any type of
15 legislation that would come through this
16 body. This basically, from my
17 understanding, this provides the
18 opportunity that if any member of Council
19 would like to request an Environmental
20 Impact Study on any pending ordinance,
21 they can do so, but the language is also
22 saying the way that it's not going to
23 preclude final adoption of all bills
24 within our body.

25 And so my understanding -- and

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2 I can't speak for the legislative intent,
3 but my understanding is that this
4 provides an opportunity for anyone in
5 Council, if they have an ordinance that
6 is before us either presented by the
7 Administration or by another member of
8 Council, if they would like some type of
9 environmental assessment, they will be
10 able to do so based on this legislation,
11 but it's not saying that all legislation
12 that comes before City Council would need
13 an Environmental Impact Statement.

14 COUNCILWOMAN BROWN: Precisely.

15 It's viewed as an option for sponsors of
16 legislation or District Councilmembers.
17 It's not viewed as a requirement. The
18 City is not able to financially take on
19 environmental impacts of every major
20 project that comes down the pike. It
21 really has to be at the request of the
22 Office of Sustainability or the sponsor
23 of the bill.

24 MS. ROBINSON: Well, we really
25 can't afford to keep on building these

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2 projects that are making people sick and
3 making us go towards a climate change
4 situation that we're not -- that's out of
5 our control. Like we're sort of at that
6 limit now, and if there isn't enough
7 money, I would like to propose that you
8 cancel the ten-year abatement for all
9 those big skyscrapers that are going up
10 in town. There's plenty of money in
11 Philadelphia. It's just being held by a
12 few. So there is money. I just don't
13 buy that.

14 COUNCILWOMAN BROWN: Okay. Any
15 other comments for this witness?

16 Councilman Green.

17 COUNCILMAN GREEN: Yeah. I do
18 have an actual question for Ms. Knapp
19 from the Office of Sustainability, if she
20 could come back to the table.

21 (Witness approached witness
22 table.)

23 MS. KNAPP: Good afternoon.

24 COUNCILMAN GREEN: And I wanted
25 to get your reflection on some of the

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2 comments that Mr. Welde made regarding
3 Environmental Impact Statements, because
4 I do know that is a term of art that has
5 a specific meaning. In fact, I just came
6 from a construction site for the new
7 Cristo Rey High School and they did a
8 Phase 1 environmental study regarding
9 some issues at their development site.
10 So I do know from my experience in real
11 estate construction that that is a
12 specific term when you say Environmental
13 Impact Statement. So I'm curious from
14 your perspective your thoughts on the
15 language or any suggestion you would make
16 going forward.

17 MS. KNAPP: Yeah. I certainly
18 think that there could be some confusion
19 created since that is a term that already
20 has meaning and specific requirements at
21 the federal level and often at the state
22 level as well. I don't think that's
23 anything more than maybe just a language
24 tweak, but I think the actual request of
25 the information is quite different. So I

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2 think maybe just having some language
3 differential so that we know what kind
4 of -- what we're talking about, a city or
5 a state or a federal requirement, could
6 easily solve that issue.

7 COUNCILMAN GREEN: And then
8 also in reference to your understanding,
9 does your office have the capacity to do
10 this type of, let's call it,
11 environmental assessment or environmental
12 analysis?

13 MS. KNAPP: Yeah. I mean, I
14 really think it depends on the number of
15 requests that come through in a given
16 year, the type of ordinances that we're
17 looking at assessing. There could be a
18 huge differential between an ordinance
19 approving a sidewalk cafe or a street
20 name change, those types of things that
21 probably have very little to no impact,
22 versus big capital projects that could
23 obviously disturb land and have energy
24 usage, which would then create greenhouse
25 gas emissions.

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2 So the answer is, it really
3 kind of depends, but from my sort of best
4 guess, we could probably handle a good
5 deep analysis, like a meaty ordinance, a
6 couple of times a year at most, but I
7 don't think we have capacity beyond that
8 on our staff or in our budget to then
9 maybe contract with a consultant to do
10 that. So if it were to exceed, again,
11 maybe two or three a year, I think we
12 would run into a problem with being able
13 to keep up with that request.

14 COUNCILMAN GREEN: Based on
15 your knowledge of this legislation, what
16 are the types of projects you could
17 possibly anticipate that a member of this
18 body would request for an environmental
19 assessment?

20 MS. KNAPP: Yeah. I think
21 Lynn's example of the SEPTA project would
22 not have come before Council. So that's
23 not -- not a SEPTA project, but a similar
24 project. A capital project, right, where
25 there's going to be some potential impact

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2 on the surrounding community, whether
3 that's air quality, energy use,
4 greenhouse gas emission creation, how
5 waste is going to be disposed of. So I
6 think capital projects are the sort of
7 most obvious because they have such a
8 physical tangible impact on our space,
9 but then there's also things like
10 legislation that comes before this body,
11 sustainable business tax credit,
12 benchmarking ordinances, those types of
13 things where we could say this bill which
14 would set a policy would then help us to
15 be able to do X, Y or Z or, on the
16 contrary, could inhibit us from doing X,
17 Y, Z. So I think sort of specific
18 environmental policy discussions
19 obviously would also be a place where it
20 would be most obvious for us to weigh in.

21 COUNCILMAN GREEN: So I guess
22 from what I'm hearing from you, you would
23 possibly be needed to do an assessment
24 for both projects that had a negative as
25 well as a positive impact?

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2 MS. KNAPP: I think before the
3 existence of this proposal, we would
4 probably already be weighing in
5 potentially on legislation that we
6 thought either had a very positive or
7 very negative impact on the City's
8 sustainability goals. So I think that
9 would sort of just be a continuation, but
10 through a more sort of formalized
11 process.

12 COUNCILMAN GREEN: When you say
13 four to five projects per year, how much
14 staff time would you anticipate and what
15 would you say would be the cost of that
16 assessment without -- I mean, kind of a
17 back-of-the-envelope type analysis if you
18 were to say X number of staff that are
19 paid X amount of dollars, if you were to
20 take their annual salary and annualized
21 on an hourly basis, other resources, if
22 you had outside vendors. I'm just
23 curious if you had any --

24 MS. KNAPP: So the best I can
25 sort of use as an example is, we use a

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2 firm called ICF. They're sort of an
3 engineering and planning firm.

4 COUNCILMAN GREEN: I'm familiar
5 with them.

6 MS. KNAPP: So we use them to
7 do some analysis --

8 COUNCILMAN GREEN: Stormwater?

9 MS. KNAPP: Sorry?

10 COUNCILMAN GREEN: You use them
11 for the stormwater?

12 MS. KNAPP: No. That's ICS.
13 ICF is a firm that we use to help do some
14 of our energy planning. So our municipal
15 energy master plan and the citywide
16 energy vision plan that we put out
17 recently were both with ICF modeling
18 support. So we asked them to help model
19 certain things. We can usually get a
20 price tag from them of like \$50,000 to
21 \$75,000 depending on the size again of
22 the thing. We're asking them to take on
23 often some pretty big meaty things. So,
24 again, depending on if it's a capital
25 project versus a policy, it could really

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2 depend, but that's just to give you an
3 example of a recent analysis that we got
4 a quote from them on to do for us.

5 COUNCILMAN GREEN: And most
6 likely you would envision these type of
7 assessments done on capital projects as
8 opposed to policies?

9 MS. KNAPP: I think it could be
10 either. I think it could be either
11 policy -- analysis might be a little
12 easier for us to do in-house. Capital
13 projects, because they again have so much
14 potential impact on so many different
15 pieces of physical space, might be more
16 expensive to do.

17 COUNCILMAN GREEN: I know we're
18 in the midst of coming to the end of this
19 FY19 budget season and the capital
20 program is a one-year program -- I mean,
21 the capital budget is a one-year budget,
22 but the capital program is a six-year
23 planning document.

24 Does this legislation give you
25 any thoughts in reference to going into

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2 the future, so in FY20 capital program
3 budget and then the FY20 going forward
4 capital program? Thoughts in reference
5 to additional dollars that should be
6 allocated into the capital program to
7 provide resources in order to do these
8 type of environmental assessments, at
9 least on the capital project side.

10 MS. KNAPP: That's a great
11 question. The guidance we get from the
12 Capital Budget Office is that we're able
13 to use capital budget on analysis or
14 planning regarding other capital
15 investments. So if something is going to
16 help us decide how to use our capital
17 dollars, we can use our capital budget to
18 do that analysis. So for the purposes of
19 evaluating potentially a capital project,
20 doing an Environmental Impact Statement
21 for that, we would be able to use our
22 capital budget for it if we have capital
23 budget available. Right now we don't
24 have any FY19 capital budget allocated,
25 so we would need to revisit how the

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2 dollars are allocated for that purpose.

3 COUNCILMAN GREEN: Right.

4 Because I would not hope it would come to
5 your capital budget dollars, because
6 that's an issue that I have been trying
7 to focus on in this process. But for the
8 Capital Program Office or the specific
9 department that's doing the capital
10 project, to me that's where the dollars
11 should be allocated, not out of your
12 budget, but out of the budget of the
13 department where the project is being
14 contemplated.

15 MS. KNAPP: Yeah. I mean, I
16 think that's possible. We do try to
17 engage the capital planning process so
18 that when we understand what departments
19 are proposing, we can get in early and
20 sort of get them to think a little bit
21 more about energy efficiency or other
22 sustainability measures in the design of
23 their capital projects. So we have a
24 good understanding of who those
25 departments are and where there might be

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2 possibilities to plug in more capital for
3 them to do an analysis.

4 One of the reasons why we hold
5 capital dollars in our office that we end
6 up distributing back to offices is so
7 that we can be the sort of passthrough
8 that is thoughtful about sustainability
9 on the way. So it's just a way for us to
10 hold the dollars, think about how they're
11 getting used, what impact they can have
12 to achieve our sustainability goals, and
13 then push back out to departments. So it
14 could be a similar scenario in this, is
15 that we're going to be the ones in charge
16 through this legislation of doing the
17 analysis. Maybe it makes sense for the
18 dollars to come through us and analyze
19 what's being done by another department.
20 I think you can probably go either way.

21 COUNCILMAN GREEN: Okay. So
22 based on what you're saying and you're
23 talking about maybe five projects, you're
24 talking about \$350,000 roughly, back of
25 the envelope if you're saying \$60,000 to

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2 \$70,000 for a major capital project. And
3 when you look at the capital program and
4 the capital budget, we have a pretty
5 significant number of capital projects
6 each year. I think one of the things
7 maybe going forward is having those
8 conversations with the Capital Program
9 Office as well as the Administration in
10 reference to allocating dollars in the
11 capital program and the capital budget
12 specifically for, we'll say,
13 environmental assessments, not to be part
14 of the Office of Sustainability but
15 actually out of the Capital Program
16 Office to be used.

17 It's kind of a chicken and egg,
18 because we haven't had this before, but
19 then when you have it, you're not sure
20 how much it will be used. And we're just
21 talking about capital projects. We
22 haven't even gone through the policy
23 issues of if there's certain issues that
24 you name the department that they may be
25 doing that may have some type of

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2 environmental impact that may need some
3 type of analysis or assessment.

4 Okay. Just some thoughts.

5 COUNCILWOMAN BROWN: They're
6 timely in more ways than you realize, and
7 I'll have a sidebar with you about that,
8 but that feedback is very, very timely at
9 this time.

10 Just for the benefit of the
11 Committee and speaking to issues brought
12 up by Mr. Welde, members of the Committee
13 should know that with regards to plastic
14 bag usage, Councilman Squilla has been
15 intimately, actively engaged with that
16 issue for months, and I just spoke with
17 Councilman Squilla about that issue less
18 than a month ago, and I've chosen not to
19 get into it because he is leading the
20 effort on that.

21 With regards to implementation
22 of solar, the Energy Authority just had a
23 briefing this afternoon about the work
24 that they are doing around solar, and
25 they had a terrific updated report.

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2 Our last State of the
3 Environment was March 2017. That was a
4 four-hour hearing, and we thank Hadji
5 Maloumian for helping to make that
6 happen. And our office reached out to
7 you, Mr. Welde, in March for a meeting
8 this past April. So hopefully we can get
9 on your schedule in June to talk about
10 what we may be doing in September. So
11 that ask is still outstanding. Okay?

12 Any more questions?

13 Please, Councilman Green.

14 COUNCILMAN GREEN: You made
15 reference to Councilman Squilla and the
16 issue regarding plastic bags.

17 COUNCILWOMAN BROWN: Yes.

18 COUNCILMAN SQUILLA: As members
19 of this body and part of the Council are
20 familiar with the preemption attempts at
21 the state level regarding legislation,
22 there's actually a bill in Harrisburg
23 right now that although Councilman
24 Squilla has not even introduced a bill,
25 it would preempt local municipalities

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2 around the Commonwealth to be able to
3 have any type of plastic bag assessments.
4 I think we've looked at this a couple
5 different times.

6 COUNCILWOMAN BROWN: We have.

7 COUNCILMAN GREEN: But to try
8 to change the narrative on issues of
9 plastic, there was a screening of a
10 documentary last Monday at the Free
11 Library of Philadelphia called Plastic
12 China. It was about a 90-minute
13 documentary that I think is quite
14 eye-opening for anyone that had a chance
15 to watch it. And we are doing a briefing
16 on June 8th at 2 o'clock p.m. in the
17 Council Caucus Room on a shortened
18 version of that documentary to try to
19 continue to change the narrative and
20 thoughts regarding plastic, not only in
21 the world but also how we engage plastic
22 in the City of Philadelphia, and I think
23 it's one of those things that once you
24 see it and get a perspective on how
25 plastic is really taking over in a lot of

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2 ways -- China at one point was importing
3 plastic from all over world, and as a
4 result of getting a better understanding
5 how it's impacting their communities and
6 the people in their country, they have
7 decided to significantly reduce almost to
8 zero the amount of importation of plastic
9 and say product that is -- it's hard to
10 even use the word "beneficial." It's
11 become a consumption-based item that we
12 are very familiar with that we need to
13 change our habits in reference to
14 plastic.

15 COUNCILWOMAN BROWN: Okay. So,
16 again, that is June 8th?

17 COUNCILMAN GREEN: Friday, June
18 8th.

19 COUNCILWOMAN BROWN: At 2:00
20 p.m.?

21 COUNCILMAN GREEN: Right, in
22 the Caucus Room. And we will have some
23 refreshments to be provided. And we'll
24 get information out, because we're
25 finalizing the details.

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2 COUNCILWOMAN BROWN: Terrific.

3 Terrific.

4 The last -- please, please,
5 please, Councilman Al Taubenberger.

6 COUNCILMAN TAUBENBERGER: Thank
7 you, Madam Chair.

8 I do have a question on
9 Mr. Welde's letter. I have to be very
10 direct here. I'm new around here, but
11 I'd have to say this: The work of the
12 Environmental Committee doesn't always
13 take place in committee form. People
14 give us correspondence. We talk to one
15 another. I mean, to just judge it on the
16 amount of committee hearings we have
17 is -- well, I think that's unwarranted,
18 but that's my opinion as a member of this
19 Committee.

20 I do have a question for you,
21 and that's in your last statement,
22 "little to no enforcement of the City
23 idling laws, creating harmful emissions
24 from idling vehicles which account for
25 the largest source of illegal air

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2 pollution in Philadelphia." What is that
3 based on?

4 MR. WELDE: Well, what is what
5 based on? What part of that?

6 COUNCILMAN TAUBENBERGER: The
7 part that says it's the largest illegal
8 air pollution in Philadelphia.

9 MR. WELDE: So the
10 transportation sector in 2017 --

11 COUNCILMAN TAUBENBERGER: Not
12 the transportation section. That's not
13 my question. My question is idling.
14 That's what you said in here.

15 MR. WELDE: Right.

16 COUNCILMAN TAUBENBERGER: What
17 did you base that on? Yes, there are a
18 lot of idling vehicles. Is it good for
19 the environment? Absolutely not because
20 it's sort of wasted, but how do you say
21 that's the largest? Because to be very
22 direct, in Europe, and particularly in
23 Germany where I happen to have a number
24 of my relatives live, if you're caught in
25 a traffic jam, you are required by

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2 federal law in Germany to turn your
3 engine off. I don't know how well that
4 would go in America, but that's the law.

5 The fact is that you're basing
6 this -- what is the basis of it? Where
7 did you get that information?

8 MR. WELDE: Well, we did have a
9 lot of air pollution in Philadelphia
10 decades ago, and that has receded due to
11 a lot of the Clean Air Act regulations in
12 the '70s and then in the '90s. So
13 Philadelphia and a lot of other cities
14 have really cleaned up.

15 There was a recent American
16 Lung Association, I think, article that
17 gave Philadelphia a failing grade for
18 ozone, and ozone really -- most of ozone
19 now is coming from car emissions.

20 As I was saying earlier, the
21 transportation sector -- and you can tell
22 me what you object to in this statement,
23 but the transportation sector has now
24 become the number one source of carbon in
25 the world. In the world.

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2 COUNCILMAN TAUBENBERGER: Okay.

3 That was not my question, though.

4 MR. WELDE: So you can extract
5 from that it is a large source of air
6 pollution. We do not have any --

7 COUNCILMAN TAUBENBERGER: I buy
8 it actually in the sense that it's just
9 normal. I mean, I'm outside quite a bit.
10 In fact, I had most of my life outside.
11 I have a degree in agriculture. I
12 actually ran an operation for Friends
13 Hospital for a number of years. So I
14 have a sense of what the outside is like,
15 and I have to say and the environment is
16 everything. That's why I'm delighted to
17 be a member of this Committee to do the
18 work with the Chair Lady.

19 The fact is, though, when you
20 say something, I'd just like to have it
21 backed up. I mean, how much idling is
22 going on? There's some. Is there a lot?
23 That was my specific question. My
24 specific question to you was, where did
25 you get that fact?

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2 MR. WELDE: And this is New
3 York City. I'll just preface that. When
4 I was in New York City, I did a study
5 with EDF, and we calculated that there
6 were about five idling vehicles per
7 block. So we --

8 COUNCILMAN TAUBENBERGER: At
9 any given time?

10 MR. WELDE: At any given time.
11 So it averaged out.

12 COUNCILMAN TAUBENBERGER: Well,
13 New York is a different city.

14 MR. WELDE: That's why I stated
15 that it was a different city.

16 COUNCILMAN TAUBENBERGER: I got
17 it.

18 MR. WELDE: So we have been,
19 Clean Air Council, for the last three and
20 a half years, we've been studying idling
21 in Philadelphia. We have had a few
22 volunteers. They go out just for a
23 couple of minutes a day, and they have
24 gotten about 2,000 idling reports just
25 for a few minutes a day in this city. So

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2 if you can walk down a street in
3 Philadelphia and not feel that -- not
4 notice that there's an idling vehicle,
5 then I'd be surprised.

6 So the City agencies currently
7 have about 6,000 vehicles. None of them
8 have policies against idling. We have
9 caught on video City agency employees
10 sleeping, going to lunch and leaving
11 their vehicles unlocked and unattended
12 with the vehicle running. We have caught
13 them on video saying they don't care
14 because they're not paying for the gas.
15 I mean, it is astounding. We calculated,
16 like I said earlier, about \$6 million
17 over the last two years of just idling
18 for City vehicles in Philadelphia.
19 Waste.

20 COUNCILMAN TAUBENBERGER: City
21 vehicles?

22 MR. WELDE: Yes.

23 COUNCILMAN TAUBENBERGER: It
24 sounds like you ought to turn that
25 information over to the Inspector

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2 General, because they're burning fuel.

3 MR. WELDE: We've met with the
4 Controller's Office.

5 COUNCILMAN TAUBENBERGER: Let
6 me ask you this: I would like to go with
7 you on your next idling roundabout.

8 MR. WELDE: Okay.

9 COUNCILMAN TAUBENBERGER: I
10 would really like to see. I think some
11 of the figures that you even cited now
12 are somewhat flawed. I would have to say
13 they do exist and it shouldn't be. On
14 the other hand, people do it when it's a
15 very hot day to stay school in their air
16 conditioned cars. I mean, all people do
17 it. It's a normal thing. And also the
18 reverse.

19 I plowed a lot of snow and
20 hours and hours -- you know what, the
21 best job I ever had was running the
22 grounds department, because I learned a
23 lot about just people in general. And
24 you know what, it gets cold out there,
25 and people want to stay warm, so they run

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2 the engine. Is it right? Probably not,
3 but the fact is, human concerns are also
4 a very important part of the environment.

5 So I want to work with you.

6 And you can comment, please. I want to
7 work with you on it because I want to see
8 what's real and some not real, and you
9 can teach me and maybe I'll teach you a
10 couple things.

11 MR. WELDE: I'm sure you can.

12 MS. KNAPP: Can I have a point
13 just for more education? The City does
14 have ordinances against idling, and all
15 City employees are expected to follow all
16 City laws. So there are policies in
17 place that City workers are supposed to
18 follow. If they don't, obviously we
19 do -- when I was at the Water Department
20 previously, we worked with Clean Air
21 Council to receive those complaints when
22 it was a Water Department vehicle so the
23 Water Department would know who it was,
24 who was doing it inappropriately.

25 I think one of the things that

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2 is also a challenge is, we don't expect
3 volunteers to necessarily know all of the
4 minutia of the idling policy. They're,
5 to your point, allowed to idle if it's
6 under a certain temperature or over a
7 certain temperature in order to keep
8 heating or cooling going. They're
9 allowed to idle if it helps to operate a
10 piece of equipment. So a lot of, you can
11 imagine, diesel vehicles that are
12 crane-operated or digging or something
13 else, they need the engine on. Police
14 cars, for example, the engine has to be
15 on for the computers to work, so they're
16 not going to shut off and reboot the
17 computer every time.

18 COUNCILMAN TAUBENBERGER: Makes
19 sense to me.

20 MS. KNAPP: But those are
21 opportunities as well for the City to
22 consider how to separate the computer
23 system from the engine system. So
24 there's always opportunities to do more,
25 but I just wanted to make that point of

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2 clarification, as well as -- because this
3 is something we run into a lot in terms
4 of perception about where Philadelphia's
5 greenhouse gas emissions come from. Most
6 people see a car and understand it's a
7 pollutant. They don't look at a building
8 and think that it's a source of
9 pollution. And in Philadelphia, our
10 buildings are 80 percent of our climate
11 emissions - 68 percent of buildings, 12
12 percent from industry. Industry operate
13 out of buildings, so we combine that to
14 80 percent. Transportation is 17 percent
15 and waste is 3 percent.

16 So I just like to make sure
17 people know that, because I don't think
18 most people look at our buildings as that
19 source of emissions, and that's why the
20 benchmarking law is so important. That's
21 why we really focus a lot on building
22 energy efficiency right now as a
23 priority, but certainly work on
24 transportation and waste as well.

25 COUNCILMAN TAUBENBERGER: I

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2 appreciate your clarification.

3 COUNCILWOMAN BROWN: Final
4 comment, please.

5 MR. WELDE: Yeah. I would just
6 like to answer part of your question.
7 Buildings do account for the largest
8 source of air pollution in the country
9 probably -- as a group, they're about 40
10 percent in the country, I think, but I
11 did say illegal air pollution. So one
12 thing that we can easily do in this
13 City -- so the other day -- I'll just
14 give you a quick anecdote. I was
15 standing next to a vehicle that was
16 idling. I asked the PPA agent if he
17 could please give a ticket. He said, No.
18 I need to wait five minutes.

19 I said, That's not the law.
20 The law is zero minutes in Philadelphia
21 for a truck, right? So he walked off. I
22 waited there. He came back, which was
23 nice of him. He couldn't find it in his
24 computer. I had to tell him where it was
25 in his computer, what the code was, what

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2 the -- they're not trained. PPA is not
3 trained. No City agency is properly
4 trained. The Water Department is
5 probably the best department that we've
6 dealt with, and we've dealt with almost
7 all the departments in Philadelphia.
8 While she was there, we met a number of
9 times with her and some of her staff, and
10 they did do a good job of getting idling
11 down, and now when we have volunteers
12 that go up to Water Department trucks
13 that are idling, they run. They
14 literally -- the drivers literally run
15 over to their truck and turn them off,
16 because they know that you're setting up
17 to do a report. They know it. So I know
18 that they've told their Water Department
19 employees.

20 Streets Department -- I'm not
21 going to name all of them, but there are
22 a number of high violators in the City.
23 And I get -- is it the highest source of
24 air pollution in Philadelphia? Probably
25 not. It is the highest source of illegal

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2 air pollution in Philadelphia that we can
3 easily stop, easily. And you know what?
4 All you need to do is go up to a police
5 officer or PPA and say, Hey, you know
6 it's illegal to idle in Philadelphia?

7 No, I didn't.

8 They'll turn their engine off,
9 and they know it next time. So there's
10 an education component, but there's also
11 a ticket component. Many, many people,
12 they don't care until it hits their
13 pocketbook. You can say, hey, education,
14 education. Until you actually hit
15 someone in the pocketbook, they're not
16 really going to care about it.

17 And then the last thing that I
18 want to say about this -- well, first of
19 all, I would love to sit down and explain
20 the laws to you and also take you on a
21 tour of -- there's some really hotspots
22 in Philadelphia that we're always
23 getting -- you can go there any time and
24 there's going to be idling there.

25 But the one last thing,

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2 yesterday I got a call from a woman whose
3 mother --

4 COUNCILMAN TAUBENBERGER: I'll
5 take you up on that.

6 MR. WELDE: All right. Good.
7 I'll reach out to your office. Thank
8 you.

9 Yesterday I got a call from a
10 woman who was nearly in tears. She lives
11 in the Northeast. She said, Hey, are you
12 the people to talk about idling too?

13 And I said, Sure.

14 She said, My mom has cancer and
15 she's got asthma. She's been suffering
16 for years from asthma.

17 There is a store outside of
18 their house. She lives on the corner.
19 There's a store on the corner there too.
20 All day the trucks sit and idle. She
21 said, Nothing can be done about this.

22 COUNCILMAN TAUBENBERGER: Why
23 are the trucks there?

24 MR. WELDE: They're dropping
25 stuff off. So they're loading and

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2 unloading.

3 There is a law in Pennsylvania
4 that you have to put a sign up at every
5 place -- the law enumerates how many
6 parking spots you have, but if you got a
7 loading and unloading, you have to put a
8 sign up that says no idling. Nowhere in
9 Philadelphia is this -- if you see one of
10 these signs, take a picture and send it
11 to me, because they're very few. Wawa
12 has them and that's about it, because
13 Wawa got sued by New Jersey.

14 COUNCILMAN TAUBENBERGER: Well,
15 Wawa is in Philadelphia.

16 MR. WELDE: Wawa got sued by
17 New Jersey, so they put them up
18 everywhere. So that's why they did it.

19 But idling is a really -- it's
20 a social and it's an environmental
21 justice issue. Poorer neighborhoods have
22 idling trucks in them much more than
23 richer neighborhoods do, because poorer
24 neighborhoods have the warehouses and the
25 stores and things like that, and they're

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2 getting -- they're suffering from this,
3 and asthma is one of the highest rates.
4 We have the highest rate in the country
5 among childhood asthma.

6 COUNCILWOMAN BROWN: Okay.

7 COUNCILMAN TAUBENBERGER: Thank
8 you.

9 MR. WELDE: Thanks for your
10 interest in that. I appreciate it.

11 COUNCILMAN TAUBENBERGER:
12 You're welcome.

13 COUNCILWOMAN BROWN: Your
14 enthusiasm and passion for this issue
15 certainly comes through, and it's very,
16 very much appreciated.

17 To punctuate Councilman Al
18 Taubenberger's point, you should know,
19 members of this Committee, that we had
20 two evening meetings with Moms Clean Air
21 Council and there have been a couple of
22 meetings with the Philadelphia Energy
23 Authority. So, yes, lots of work gets
24 done in addition to the work of this
25 Committee.

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2 And so any other questions,
3 comments, observations for our witnesses?
4 (No response.)

5 COUNCILWOMAN BROWN: With that
6 said now, we will now go into a public
7 meeting.

8 The Chair recognizes
9 Councilmember Green for a motion on Bill
10 No. 180234.

11 I should state -- well, I
12 should let Councilman Green move the bill
13 first.

14 COUNCILMAN GREEN: Not if you
15 want to make a statement.

16 COUNCILWOMAN BROWN: Yes, I
17 would like to.

18 I want to invite both of our
19 witnesses, if you have additional
20 language for perspective or potential
21 amendments, we're certainly open to that
22 before we move this bill to second
23 reading and final vote. We're certainly
24 open and welcome any subsequent language,
25 ideas that can improve the merits of the

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2 bill.

3 COUNCILMAN GREEN: I move that
4 Bill No. 180234 be reported out of
5 Committee with a favorable recommendation
6 and that the rules of Council be
7 suspended so as to permit the first
8 reading of this bill at the next session
9 of Council.

10 (Duly seconded.)

11 COUNCILWOMAN BROWN: It has
12 been moved and properly seconded that
13 Bill No. 180234 be reported out of this
14 Committee with a favorable recommendation
15 and that the rules of Council be
16 suspended so as to permit first reading
17 at the next Council session.

18 All those in favor say aye.

19 (Aye.)

20 COUNCILWOMAN BROWN: All
21 opposed?

22 (No response.)

23 COUNCILWOMAN BROWN: So let me
24 correct the record that -- Councilman
25 Green.

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2 COUNCILMAN GREEN: Thank you,
3 Madam Chair. I'd like to move that Bill
4 No. 180234 be amended. The amendments
5 have been circulated to all members of
6 Council.

7 (Duly seconded.)

8 COUNCILWOMAN BROWN: It's been
9 moved and properly seconded that Bill No.
10 180234, as amended, be reported out of
11 this Committee with a favorable
12 recommendation, that the rules of Council
13 be suspended so as to permit first
14 reading at the next scheduled session of
15 Council.

16 All those in favor signify by
17 saying --

18 COUNCILMAN GREEN: Point of
19 information. We did the amendment, but
20 now I have to make a motion -- as the
21 Chair you can accept the motion, but I've
22 got to move the amended bill out.

23 COUNCILWOMAN BROWN: Councilman
24 Green.

25 COUNCILMAN GREEN: I move that

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2 Bill No. 180234, as amended, be reported
3 out of this Committee with a favorable
4 recommendation and that the rules of
5 Council be suspended as to permit first
6 reading of this bill at the next session
7 of Council.

8 (Duly seconded.)

9 COUNCILWOMAN BROWN: Okay. So
10 it has been moved and properly seconded
11 that Bill No. 180234, as amended, be
12 reported out of this Committee with a
13 favorable recommendation and that the
14 rules of Council be suspended so as to
15 permit first reading at the next
16 scheduled session of Council.

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 COUNCILWOMAN BROWN: All
21 opposed?

22 (No response.)

23 COUNCILWOMAN BROWN: Seeing
24 none, this bill has been approved out of
25 Committee with a favorable

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2 recommendation.

3 This concludes this meeting.
4 The mission continues.

5 (Committee on the Environment
6 concluded at 4:30 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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