

Committee on Streets and Services
June 5, 2019

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 5, 2019
10:45 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 181004, 190098, 190119, 190185, 190211,
190252, 190287, 190288, 190289, 190304,
190307, 190309, 190320, 190321, 190354,
190355, 190363, 190364, 190365, 190379,
190381, 190405, 190410, 190411, 190413,
190434, 190445, 190449, 190450, 190452,
190453, 190456, 190457, 190458, 190462,
190463, 190464, 190465, 190466, 190467,
190468, and 190469
RESOLUTION 190423

- - -

1 ~~6/5/19 - STREETS - BILL 181004, ETC.~~

2 ~~traffic calming for all roadway users.~~

3 ~~There is demonstrated support~~
4 ~~for this project from the Franklin Bridge~~
5 ~~North Neighborhood Association. The~~
6 ~~project is expected to be completed in~~
7 ~~2020. The Office of Transportation,~~
8 ~~Infrastructure and Sustainability~~
9 ~~coordinated on this bill with the Streets~~
10 ~~Department, who have no objections to the~~
11 ~~passage of this bill.~~

12 ~~Thank you for the opportunity~~
13 ~~to appear before you today.~~

14 ~~COUNCILMAN GREENLEE: Thank~~
15 ~~you.~~

16 ~~There are no questions. Anyone~~
17 ~~else to testify on Bill No. 190465?~~

18 ~~(No response.)~~

19 COUNCILMAN GREENLEE: I know we
20 have an amendment to that also.

21 Thank you.

22 We're going to call the next
23 three bills up together because they're
24 all basically related.

25 Mr. McMonagle, you want to read

1 6/5/19 - STREETS - BILL 181004, ETC.
2 the title of those three bills, please.

3 THE CLERK: Bill No. 190413, an
4 ordinance authorizing the Streets
5 Commissioner and Procurement
6 Commissioner, on behalf of the City, to
7 enter into an Intergovernmental Agreement
8 with the Philadelphia Municipal Authority
9 through which the City will assume
10 certain rights and obligations under an
11 agreement the Authority will enter into
12 with Waste Management of Pennsylvania,
13 Inc. for the processing and marketing of
14 recyclable materials, all under certain
15 terms and conditions; and

16 Bill No. 190468, an ordinance
17 authorizing the Streets Commissioner and
18 Procurement Commissioner, on behalf of
19 the City, to enter into an Agreement with
20 Covanta Sustainable Solutions, LLC
21 pursuant to which Covanta will receive
22 municipal solid waste to be collected by
23 or on behalf of the City, and transfer
24 and dispose that municipal solid waste,
25 over a four-year term, with three

1 6/5/19 - STREETS - BILL 181004, ETC.

2 one-year renewal terms at the sole
3 discretion of the City; and

4 Bill No. 190469, an ordinance
5 authorizing the Streets Commissioner and
6 Procurement Commissioner, on behalf of
7 the City, to enter into an Agreement with
8 Waste Management of Pennsylvania, Inc.
9 pursuant to which Waste Management will
10 receive municipal solid waste to be
11 collected by or on behalf of the City,
12 and transfer and dispose that municipal
13 solid waste, over a four-year term, with
14 three one-year renewal terms at the sole
15 discretion of the City.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN GREENLEE: Okay.

19 Thank you.

20 Good afternoon, everyone.

21 Commissioner, why don't you
22 read the testimony or present your
23 testimony on all three and then we'll
24 have questions.

25 COMMISSIONER WILLIAMS: Very

1 6/5/19 - STREETS - BILL 181004, ETC.
2 good.

3 COUNCILMAN GREENLEE: I'm sure
4 there will be other people that will have
5 some testimony on this.

6 COMMISSIONER WILLIAMS: Very
7 good. Yes, sir. Thank you.

8 Good afternoon, Councilperson
9 Squilla, Council Chairperson Greenlee,
10 and the honorable members of the Streets
11 and Service Committee. My name is
12 Carlton Williams, Streets Commissioner.
13 Joining me today are Deputy Commissioner
14 of Sanitation, Keith Warren; Recycling
15 Director, Kyle Lewis; and Environmental
16 Planning Director, Scott McGrath. We are
17 pleased to provide testimony in support
18 of Bill Nos. 190468 and 190469 related to
19 the municipal solid waste disposal
20 contracts for the City of Philadelphia.

21 The proposed contracts were
22 negotiated under the new Best Value
23 process comprised of a committee of
24 several key departments, including
25 Streets Department, Law Department,

1 6/5/19 - STREETS - BILL 181004, ETC.
2 Procurement Department, Office of
3 Economic Opportunity, and the Zero Waste
4 and Litter Cabinet. I would like to take
5 a moment to acknowledge their commitment
6 and hard work throughout the entire
7 process. The contracts were evaluated
8 based on factors including disposal
9 costs, solid waste experience,
10 operational efficiency, equal opportunity
11 participation, waste reduction, and
12 litter prevention strategies. Each
13 proposal was given a rating based on the
14 factors above and scored accordingly by
15 the evaluation committee. The committee
16 rated and selected Waste Management of
17 Pennsylvania, Inc. and Covanta for the
18 City's municipal solid waste disposal
19 contract with terms and conditions.

20 The terms contain a four-year
21 contract agreement with three one-year
22 renewable option years at the City's
23 discretion. The blended disposal cost
24 per ton in year one is \$64.49, which is
25 less than the Streets Department

1 6/5/19 - STREETS - BILL 181004, ETC.
2 projection of \$65 a ton. The blended
3 rate under the current contract is \$63 a
4 ton. The total value of the contracts
5 over the seven-year period is \$295
6 million, with a cost of 38.1 million
7 beginning year one. Under year one of
8 this contract, Waste Management is
9 awarded 25.9 million to dispose of
10 397,000 tons of MSW and Covanta is
11 awarded 12.8 million to dispose of
12 203,000 tons of MSW.

13 The City is committed to equal
14 opportunity participation, and this
15 contract represents a significant award
16 with \$15.4 million paid to MBE/WBE firms
17 in the first year of the contract. This
18 award is 39 percent of the total contract
19 and exceeds OEO goals, which established
20 ranges between 25 and 32 percent for
21 MBE/WBE firms.

22 The RFP also included
23 opportunities to meet the City's zero
24 waste and litter prevention goals. We
25 are pleased that both companies provided

1 6/5/19 - STREETS - BILL 181004, ETC.
2 favorable proposals to support our zero
3 waste and litter initiatives. Covanta's
4 contract committed to pay 25 cents per
5 ton for zero waste and litter reduction
6 and Waste Management's contract includes
7 an opportunity to pilot and test organic
8 waste processing into a renewable energy
9 source. These initiatives will help the
10 City meet our zero waste goal by
11 diverting waste from landfills and
12 waste-to-energy facilities and help keep
13 our city clean while reducing the amount
14 of litter on city streets.

15 There have been recent concerns
16 expressed regarding the use of WTF
17 facilities to dispose of the City's MSW.
18 Waste Management of Pennsylvania, Inc.
19 and Covanta both utilize waste-to-energy
20 technology. **The Streets Department,**
21 **Office of Sustainability, and the Zero**
22 **Waste and Litter Cabinet have concluded**
23 **that waste-to-energy is preferable over**
24 **landfill for waste disposal,** as
25 waste-to-energy results in fewer

1 6/5/19 - STREETS - BILL 181004, ETC.
2 long-term environmental impacts. We
3 believe that the proposed waste disposal
4 agreements provide the best available
5 opportunities to responsibly dispose of
6 our waste and incorporate advancements in
7 technology that will further mitigate
8 environmental issues as compared to using
9 landfills.

10 Waste-to-energy produces more
11 energy per ton than methane recovery from
12 landfill, uses less physical space for
13 waste, and waste-to-energy facilities
14 recover ferrous and non-ferrous metals
15 for recycling. For example, in 2018, the
16 Covanta Chester facility produced 711,000
17 megawatt hours of electricity, enough to
18 provide electricity for 60,000 homes. It
19 also recycled 59,000 tons of metals.
20 Waste-to-energy reduces the amount of
21 greenhouse gas emissions in the
22 atmosphere compared to landfilling by
23 producing little or no methane. A
24 landfill, even one that collects methane,
25 will release a significant amount of

1 6/5/19 - STREETS - BILL 181004, ETC.
2 methane from decaying organic material
3 since landfill gas management systems are
4 about 80 percent efficient.

5 Most significantly, every
6 Philadelphian should understand that our
7 commitment to responsible waste
8 management extends beyond these contracts
9 and, during its term, we will continue
10 working together to encourage and educate
11 Philadelphia residents to reduce waste
12 consumption and increase our recycling
13 rates while reducing contamination. In
14 addition, we will be applying to the DEP
15 to permit a City-owned compost facility,
16 and we will participate in a pilot
17 program to recover organic material from
18 curbside collected waste, with the goal
19 of reducing waste disposal by 30 percent.

20 We hope that you will support
21 the recommendations of the selection
22 committee in awarding these agreements,
23 which represent the best available
24 options for the City and protect the
25 City's ability to pursue our current and

1 6/5/19 - STREETS - BILL 181004, ETC.
2 future zero waste and litter goals.

3 We understand that the Law
4 Department has provided technical
5 amendments, and we support the bills as
6 they are proposed to be amended.

7 Thank you for your support, and
8 I will be happy to answer any questions
9 after the testimonies.

10 COUNCILMAN SQUILLA: Before we
11 ask any questions, do you want to just
12 testify on 190413 also.

13 COMMISSIONER WILLIAMS: Yes.

14 Yes. I'm sorry, Councilmember.
15 It just got mixed up in my notes. I do
16 apologize.

17 Thank you so much.

18 COUNCILMAN SQUILLA: Sorry
19 about that. Thank you.

20 COMMISSIONER WILLIAMS: Good
21 morning, Councilperson Squilla and the
22 honorable members of the Streets and
23 Service Committee. My name is Carlton
24 Williams, Streets Commissioner. Here
25 with me today are Keith Warren, Deputy

1 6/5/19 - STREETS - BILL 181004, ETC.
2 Commissioner of Sanitation; Kyle Lewis,
3 Recycling Director; and Scott McGrath,
4 Environmental Planning Director for the
5 Streets Department. We are pleased to
6 testify in support of Bill No. 190413,
7 which authorizes the Streets Commissioner
8 and Procurement Commissioner, on behalf
9 of the City, to enter into an
10 Intergovernmental Agreement with the
11 Philadelphia Municipal Authority through
12 which the City will assume certain rights
13 and obligations under an agreement the
14 Authority will enter into with Waste
15 Management of Pennsylvania, Inc. for
16 processing and marketing of recyclable
17 materials, all under certain terms and
18 conditions.

19 The recycling processing
20 request for proposal was negotiated under
21 the new Best Value procedures where
22 several key City departments served on
23 the committee to negotiate with vendors
24 and evaluate each proposal accordingly.
25 The evaluation team consisted of staff

1 6/5/19 - STREETS - BILL 181004, ETC.
2 members from the Streets Department,
3 Procurement Department, Law Department,
4 and the Managing Director's Office. The
5 scores were verified by the Procurement
6 Department and posted online. I would
7 like to thank the evaluation committee
8 for their hard work and commitment
9 throughout the review process. There
10 were three proposals submitted under this
11 RFP. Waste Management of Pennsylvania,
12 Inc. was selected to process the City's
13 material under this agreement.

14 The terms and conditions have
15 significantly changed from previous
16 contract awards. This contract award is
17 a five-year guaranteed agreement with two
18 one-year renewable option years at the
19 City's discretion. The term length
20 requires an ordinance and an agreement
21 with the Philadelphia Municipal
22 Authority. The previous recycling
23 contracts were only one year with three
24 one-year renewable option years. Many
25 recycling processing companies across the

1 6/5/19 - STREETS - BILL 181004, ETC.
2 country are entering into long-term
3 agreements due to the volatility of the
4 recycling markets.

5 The value of the recycling
6 processing contract in year one was \$9.2
7 million based on processing of 100,000
8 tons of recycled materials annually. The
9 cost per ton is \$92. The contract
10 includes incentives to lower the cost per
11 ton if the City can reduce the level of
12 contaminated material to less than 15
13 percent. If the contamination rate is
14 reduced, the cost per ton will be \$87 per
15 ton. The \$5 discount will save the City
16 over \$500,000 annually. Contaminated
17 recycling material includes items that
18 are not allowed in the curbside recycling
19 program and items that have residual
20 waste that impacts the quality of the
21 material. Items such as plastic bags,
22 soiled pizza boxes, food waste in
23 containers, and wet paper are all
24 examples of contaminated recyclable
25 material. This contract also includes an

1 6/5/19 - STREETS - BILL 181004, ETC.
2 education strategy with Waste Management
3 of Pennsylvania to reduce the level of
4 contamination through an education and
5 outreach program, along with route audits
6 to identify areas with high levels of
7 contamination around the City.

8 On March 20th, 2019, I
9 testified here in City Council on
10 Resolution No. 190114 on the primary
11 reason for the dramatic increase in cost
12 to process material, which has been
13 linked to China reducing their
14 contamination standards to 0.5 percent, a
15 standard that no processing facility in
16 the United States is able to meet.

17 China is the largest importer
18 of recyclable materials in the United
19 States and across the globe. The cost of
20 recycling has had a major impact on the
21 City's budget, as the rates per ton have
22 significantly increased beyond the cost
23 of trash collection.

24 The Streets Department is
25 committed to improving recycling and we

1 6/5/19 - STREETS - BILL 181004, ETC.
2 are taking additional steps to improve
3 our collection processes. Mayor Kenney
4 created the Zero Waste and Litter Cabinet
5 to develop strategies to reduce waste and
6 promote a cleaner city. The Streets
7 Department is working closely with the
8 Cabinet to develop best practices for
9 reducing contamination in our recycling
10 stream.

11 The Streets Department is also
12 developing education and outreach
13 programs to encourage residents to
14 recycle correctly. Eliminating plastic
15 bags, soiled pizza boxes, and other
16 unacceptable material in the bins helps
17 reduce the rate of contamination, which
18 reduces costs. The small steps will
19 drastically reduce the state of recycling
20 during this difficult period and in the
21 future.

22 Thank you for the opportunity
23 to testify, and we look forward to your
24 favorable consideration and approval of
25 Bill No. 190413.

1 6/5/19 - STREETS - BILL 181004, ETC.

2 COUNCILMAN SQUILLA: Thank you,
3 Commissioner. I know there's some people
4 here to testify, but just a couple of
5 questions, some of the concerns that we
6 have heard. One was about the recycling
7 being sent over for burning, and that's
8 something that has been resolved at this
9 point?

10 COMMISSIONER WILLIAMS:
11 Absolutely. That was stopped effective
12 April 20th of 2019. We entered actually
13 into an interim agreement with Waste
14 Management while we were going through
15 the negotiation process to move that
16 material back to 100 percent processing
17 of our material.

18 COUNCILMAN SQUILLA: And the
19 contract is split between both Waste
20 Management. What's the percentage of the
21 contract going to Waste Management
22 compared to the trash-to-energy?

23 COMMISSIONER WILLIAMS: Waste
24 Management receives 67 percent of the
25 tonnage, where Covanta will receive 33

1 6/5/19 - STREETS - BILL 181004, ETC.
2 percent. In volume, that's about 397,000
3 tons to Waste Management and 200,000 tons
4 annually to Covanta.

5 COUNCILMAN SQUILLA: Thank you.
6 Councilman Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman.

9 Just quickly, Commissioner,
10 thank you. In your testimony on 468 and
11 469, you talk about the comparisons
12 between the waste-to-energy and also
13 landfills. And just for the record,
14 that's really the only two realistic
15 options with the volume that we have at
16 this point?

17 COMMISSIONER WILLIAMS: That's
18 correct.

19 COUNCILMAN GREENLEE: Is that a
20 fair statement?

21 COMMISSIONER WILLIAMS: That is
22 correct, yes.

23 COUNCILMAN GREENLEE: And where
24 would the landfill, if it was to be
25 landfilled, where would those landfills

1 6/5/19 - STREETS - BILL 181004, ETC.

2 be?

3 COMMISSIONER WILLIAMS:

4 Waste-to-energy does own a landfill --

5 Waste Management, I'm sorry, does own a

6 landfill, and Republic, who was a bidder

7 but was not awarded under this contract,

8 owns a landfill in Conestoga,

9 Pennsylvania.

10 COUNCILMAN GREENLEE: I don't

11 even know where -- where is that?

12 COMMISSIONER WILLIAMS: Waste

13 Management is in Bucks County,

14 Pennsylvania.

15 COUNCILMAN GREENLEE: So there

16 would be a lot of --

17 COMMISSIONER WILLIAMS: There

18 would be additional travel costs,

19 absolutely.

20 COUNCILMAN GREENLEE: Travel

21 costs, yeah. Right. Okay.

22 And you talk about the -- could

23 you just kind of again just for the

24 record say about the advantage as far as

25 producing electricity.

1 6/5/19 - STREETS - BILL 181004, ETC.

2 COMMISSIONER WILLIAMS: Yes.

3 They produce enough electricity to power
4 60,000 homes in the City of Chester. **In**
5 **addition, we've received support letters**
6 **from the Chester Environmental**
7 **Partnership and the Mayor of Chester who**
8 **support these contracts to bring waste to**
9 **the Chester facility.** My understanding

10 from these testimonials is that they play
11 a huge role in the community in support
12 of environmental initiatives within that
13 area. In addition, they meet the
14 standards of both the EPA and the DEP in
15 terms of regulations in Pennsylvania.

16 COUNCILMAN GREENLEE: All
17 right. Thank you. Thank you,
18 Commissioner.

19 Thank you, Mr. Chairman.

20 COUNCILMAN SQUILLA: Thank you,
21 Mr. Chairman -- I mean Commissioner. I
22 know we have people testifying. It might
23 be a good idea to keep somebody here in
24 case we have to ask questions.

25 COMMISSIONER WILLIAMS:

1 6/5/19 - STREETS - BILL 181004, ETC.

2 Absolutely. Yes.

3 COUNCILMAN SQUILLA: Oh, I'm
4 sorry. Councilmember Bass.

5 COUNCILWOMAN BASS: Thank you,
6 Mr. Chairman.

7 Good afternoon.

8 COMMISSIONER WILLIAMS: Good
9 afternoon, Councilwoman.

10 COUNCILWOMAN BASS: So I just
11 had a couple of questions, and I really
12 have been giving a lot of thought what
13 we're trying to do here, which is
14 effectively dispose of the waste here in
15 the City of Philadelphia. And you and I
16 have had many, many conversations about
17 the state of Philadelphia and that it is
18 dirtier than it has ever been before, and
19 I know that you've been working really,
20 really hard to address that. You and
21 your entire team have been working hard
22 to address that.

23 So help me understand how we
24 can balance the argument in terms of the
25 environmental concerns. How do we

1 6/5/19 - STREETS - BILL 181004, ETC.
2 balance that argument in terms of what is
3 healthy and good for our environment in
4 terms of landfill versus incineration?

5 I certainly have been looking
6 at both of those options, if you want to
7 call them options, but I also recognize
8 that if we did landfill, then -- we spoke
9 over the phone and you mentioned
10 Conestoga, and that's the closest
11 landfill, and that there would be some
12 environmental issues there as well when
13 you look at the carbon footprint in terms
14 of traveling back and forth and that
15 effect on the environment. And
16 eventually landfills get full as well.

17 So can you speak to the
18 concerns that the environmental community
19 has about what is being proposed?

20 COMMISSIONER WILLIAMS: Sure.
21 Thank you, Councilwoman, for your
22 comments. First of all, I certainly want
23 to acknowledge the concerns that was
24 presented. We had several discussions on
25 ensuring that both facilities are in

1 6/5/19 - STREETS - BILL 181004, ETC.
2 compliance under the current regulatory
3 standards. That's not to say that more
4 can't be done. I think the Mayor created
5 the Zero Waste and Litter Cabinet to take
6 a look at holistically how we could
7 divert and reduce waste that we consume
8 every day in what we purchase, what we
9 buy. Those things play a big role in how
10 we dispose of waste in the City of
11 Philadelphia.

12 So we're looking at the waste
13 stream from its inception and not at its
14 disposal. I think one of the key
15 cornerstones of this contract is that
16 we're allowed to explore the possibility
17 of building an organics -- a facility
18 right here in the City of Philadelphia
19 which would divert even more tonnage from
20 both waste-to-energy and landfills in the
21 near future. We certainly have a
22 provision to pilot that, and we would
23 love to be able to execute that in the
24 near future, because it ultimately not
25 only reduces waste, but it also is

1 6/5/19 - STREETS - BILL 181004, ETC.
2 healthy for the environment and that we
3 produce energy from organics. We're able
4 to produce nutrient-rich compost that can
5 also be used. So it has a host of
6 opportunities for us to reduce the amount
7 of waste.

8 Unfortunately, this current
9 contract has very limited options for us
10 to be able to dispose of waste and we
11 have to select between both landfill and
12 waste-to-energy as our only option.

13 COUNCILWOMAN BASS: Speak a
14 little bit further about the idea of
15 building a facility here in the City of
16 Philadelphia.

17 COMMISSIONER WILLIAMS: I'm
18 sorry?

19 COUNCILWOMAN BASS: You said
20 there was the idea of doing some sort of
21 a facility for waste disposal here in the
22 City of Philadelphia. Can you speak
23 about that in terms of what the plan is?

24 COMMISSIONER WILLIAMS: Sure.
25 So we went to a facility owned by Waste

1 6/5/19 - STREETS - BILL 181004, ETC.
2 Management in Newark, New Jersey that
3 actually takes organic waste and turns it
4 into a slurry that sends it to a
5 digester, and that digester then produces
6 energy. So we have some of the
7 infrastructure here, but we have to make
8 sure that it's compatible for whatever
9 technology that we are considering
10 building here, and ultimately we need an
11 end use for that material, which means we
12 have to be able to produce it by either
13 selling it to a viable vendor who could
14 use that energy or use it within our own
15 City government to, say, for example,
16 fuel trash trucks or any other type of
17 fuel savings that would reduce the cost
18 and use our waste to actually produce
19 energy and not just send it to a landfill
20 or waste-to-energy facility.

21 So that is the long-term goal.
22 That is part of the strategy for what we
23 want to do in Zero Waste.

24 COUNCILWOMAN BASS: Okay.
25 Well, the first thing is, I'm glad to see

1 6/5/19 - STREETS - BILL 181004, ETC.
2 that there are some long-term strategies
3 here in the City of Philadelphia, because
4 I feel like what we do is, we just -- we
5 address the moment. We act in the
6 moment, and there's never the time or
7 the -- I don't want to say the
8 inclination, but really just the time I
9 would say for us to sort of dial back and
10 say how do we get from where we are now
11 to being a much more environmentally
12 friendly city.

13 I think that we are among other
14 cities, we're better than a lot of
15 cities, but that doesn't mean that we are
16 doing all that we can do and all that we
17 should do. And so whatever we can do,
18 I'd like to see the Streets Department
19 and the Administration look further into
20 that.

21 And as we talk about strategy
22 and time, I notice that you mentioned
23 that this was a five-year contract, and
24 that's considered long term?

25 COMMISSIONER WILLIAMS: The

1 6/5/19 - STREETS - BILL 181004, ETC.
2 solid waste contract is a four-year plus
3 three one-year renewables. Recycling
4 contract is a five-year contract. I read
5 two testimonials.

6 COUNCILWOMAN BASS: Okay.

7 COMMISSIONER WILLIAMS: Just
8 for clarification purposes, yes. And
9 that is considered a longer term contract
10 for recycling because we were usually a
11 low bid one-year, plus three renewable
12 years based on the commodities in the
13 market that would be price driven and the
14 processing. But because of the change
15 and the dynamics, that's what's happening
16 in overseas markets, more companies want
17 longer term deals to ensure that they
18 have protections in terms of the price
19 ceiling of costs for recycling and the
20 volatility of the market.

21 COUNCILWOMAN BASS: And I think
22 that while we're working on -- we have a
23 four-year contract and a five-year
24 contract. While we're proceeding with
25 those contracts, at the same time there

1 6/5/19 - STREETS - BILL 181004, ETC.
2 should be a parallel track in terms of
3 how do we reduce waste and consumption
4 just overall and have a more
5 environmentally friendly policy so that
6 we don't have to keep revisiting these
7 kinds of issues, that we have a solid
8 policy that is going to be much more long
9 term, because at the same time that this
10 is, like I said, four years and five
11 years, we need to be looking at much
12 further down the line, and I would hope
13 that that's something that the
14 Administration would certainly consider.

15 COMMISSIONER WILLIAMS:

16 Absolutely.

17 COUNCILWOMAN BASS: That's

18 something we would be willing to offer as
19 an amendment, if you're interested in
20 working with us on.

21 COMMISSIONER WILLIAMS: Yes, we

22 are.

23 COUNCILWOMAN BASS: Great. All

24 right. Thank you.

25 COMMISSIONER WILLIAMS: Thank

1 6/5/19 - STREETS - BILL 181004, ETC.

2 you, Councilwoman.

3 COUNCILMAN SQUILLA: Thank you.

4 Any other questions?

5 (No response.)

6 COUNCILMAN SQUILLA: Seeing
7 none, we'll ask others who are here to
8 testify.

9 Mr. McMonagle, would you like
10 to read the next panel.

11 THE CLERK: Can we please have
12 Mike Ewall. I don't see Maurice Sampson.
13 Lynn Robinson, Meenal Raval.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN SQUILLA: Mike, if
17 you'd like to start. Just state your
18 name for the record and proceed with your
19 testimony.

20 MR. EWALL: Sure. My name is
21 Mike Ewall. I'm the Founder and Director
22 of Energy Justice Network.

23 There were 41 organizations
24 that signed letters to the Mayor and City
25 Council objecting to any use of

1 6/5/19 - STREETS - BILL 181004, ETC.
2 incineration for the City's waste. This
3 includes all of the main environmental
4 groups in the City, Sierra Club, 350,
5 Clean Air Council, Clean Water Action,
6 Penn Environment, Conservation Voters of
7 PA, and many others. It even included a
8 nurse's group, Alliance of Nurses for
9 Healthy Environments. It's unanimous
10 that the environmental community condemns
11 waste incineration, and yet the
12 Administration is still pushing this
13 hard, as you are just seeing.

14 It was also supported by all
15 the groups that define and certify what
16 zero waste means globally, like the Zero
17 Waste International Alliance. Their
18 affiliate in the U.S. also strongly
19 understands that incineration is not part
20 of zero waste, although the City seems to
21 be hijacking the idea of zero waste by
22 having a zero waste plan, a zero waste
23 director that includes incineration, and
24 the definition of zero waste does not do
25 that. It actually prioritizes no

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2 incineration over avoiding landfills.

3 The sign-on was also supported
4 by the three groups and the communities
5 that a lot of Philadelphia's waste goes
6 to, the group in Chester, the Chester
7 Residents Concerned for Quality Living,
8 which is the grassroots environmental
9 justice group there, and also the group
10 living with the Covanta facility in
11 Plymouth in Montgomery County. Both of
12 these are the largest air polluters in
13 these areas. The largest air polluter in
14 Chester is that incinerator. The largest
15 air polluter in Montgomery County is that
16 incinerator. The largest air polluter in
17 Bucks County is their trash incinerator
18 too, and there's a grassroots group there
19 dealing with that and the fact that they
20 have four landfills there, one of them
21 still open. And they have also signed
22 on, recognizing that they would rather
23 have the waste go to their landfills than
24 go to the incinerator, which is far more
25 polluting for Bucks County's communities.

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2 You also have Congresswoman
3 Mary Gay Scanlon who weighed in, I
4 believe, just yesterday, managed after
5 trying for a month to reach the Mayor on
6 the phone to talk to him and express
7 concern, because she represents part of
8 Philadelphia but also where our trash
9 goes in Chester, and she's been hearing a
10 lot from her residents throughout
11 Delaware County concerned about all the
12 air pollution coming from the biggest
13 trash incinerator in the country, which
14 is what they live with.

15 Now, you're hearing this term
16 "waste-to-energy." There is no such
17 thing as waste-to-energy. You can't turn
18 matter into energy without a nuclear
19 reaction. Thankfully that's not what
20 they're doing at trash incinerators.
21 They're turning trash into toxic ash and
22 toxic air emissions.

23 (Applause.)

24 MR. EWALL: So we're not
25 getting rid of waste. For every 100 tons

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2 that they burn, 70 tons goes into the
3 air, and these facilities surround
4 Philadelphia and are contributing to our
5 F grade that the American Lung
6 Association just gave to Philadelphia for
7 air quality. A different asthma and
8 allergy association found that
9 Philadelphia, just last year, they found
10 is the fourth worst city for asthma in
11 the country, and that's driven by the
12 nitrogen oxide pollution that these
13 facilities are some of the largest
14 sources of in the whole five-county
15 Philadelphia area, far worse pollution
16 than what we get from landfills.

17 So there's a lot of concern
18 about asthma, about the other diseases
19 that are caused by the extreme amounts of
20 pollution coming from these incinerators.
21 There's not an issue with landfill space.
22 Pennsylvania has a glut of landfill
23 space. We have so much landfill space,
24 we're filling it up with waste from
25 Canada down to Puerto Rico and every

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2 state in between, because we have so much
3 extra landfill space in Pennsylvania.

4 I grew up fighting incinerators
5 and landfills in Bucks County when I used
6 to live there. I know landfills are no
7 good, but we recognize that incineration
8 is far worse and still sends toxic ash to
9 landfills. So Carlton Williams was just
10 testifying saying, well, incineration is
11 better than landfills. That's not true.
12 That's not backed up by the state's data,
13 by EPA's data, by lifecycle assessments
14 that have been done, and there's a reason
15 why the unanimous opinion of the
16 environmental community is that
17 incineration is worse.

18 It's not a space issue. It's
19 not the amount of waste that hurts
20 people. It's the toxicity. And when you
21 burn it, you're increasing the toxicity.
22 You're putting 70 percent of that into
23 the air. The other 30 percent still goes
24 to landfills, making them more toxic and
25 more dangerous.

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2 Now, there's a Solid Waste
3 Recycling Advisory Committee. These
4 resolutions that you hopefully will not
5 be voting on today, but they say that
6 that Solid Waste Recycling Advisory
7 Committee was consulted on this. That's
8 not true. I've been to their meetings.
9 We've asked to be consulted about it.
10 We've asked to look at the RFP months
11 before it was issued. We were denied
12 that by Scott McGrath, who was just
13 sitting before you. He is not interested
14 in having a Solid Waste Advisory
15 Committee actually advise anything. I've
16 been to those committee meetings and all
17 they do is classroom style, tell people
18 after the fact what they've done.

19 MS. RAVAL: Thank you for
20 making that.

21 MR. EWALL: They're basically
22 being ignored, and other long-term
23 members of the committee will tell you.
24 Maurice Sampson, if he were here, he
25 planned to testify, will tell you the

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2 same thing.

3 The contracts were also not
4 released in full. We didn't see the
5 contracts until yesterday, and that was
6 with blank lines under the prices, under
7 the tonnage amounts. We didn't actually
8 get to see those details filled in until
9 now. And so there are almost 200 pages
10 across these three contracts that I'm
11 guessing none of you have had a chance to
12 really look at. And just trusting the
13 Administration on this is not wise for a
14 number of reasons.

15 One of the reasons is because
16 it has put-or-pay clauses in the
17 contract. It guarantees a minimum amount
18 of waste. Now, if we're supposed to be
19 moving towards zero waste, how can we be
20 signing four, five, seven-year contracts
21 that guarantee we're going to send a
22 certain amount of waste to specific
23 facilities, including incinerators?

24 Other cities that have done
25 this, Baltimore City, for example,

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2 they're moving away from incineration,
3 but they have an incinerator in the city
4 that Baltimore County also contracts
5 with. And Baltimore County just got sued
6 for \$32 million, because under the
7 contract it says they're going to give
8 that incinerator in the City a certain
9 amount of waste and they didn't give them
10 enough waste, and they're getting sued
11 for that now.

12 DC, thankfully, was wise enough
13 when they signed the contract with
14 Covanta to make sure that -- they also
15 have a six- to 11-year contract. They
16 don't have any minimum amounts that they
17 have to give. They can send them zero
18 tons and not break the contract. They
19 were smart enough not to have that kind
20 of provision. We need to make sure we
21 get rid of those here in Philly.

22 So the people that are advising
23 on this, we can't be looking to them to
24 be objective. Carlton Williams, when he
25 was responding to questions from Blondell

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2 Reynolds Brown's office on this, dodged
3 every single question a few months ago
4 and answered questions about the
5 recycling contract when the questions
6 were actually about the waste contract.
7 He had false information about the
8 letter, pumping up incineration, saying
9 that our waste goes places that is not
10 even the amount of waste that goes there.
11 He said 70 percent goes to an incinerator
12 in Bucks County. That's not even close
13 to true, because the state's data clearly
14 contradicts him, and the state's data is
15 much more trustworthy as a document and
16 have been tracked for decades by the
17 facilities themselves.

18 He also just said that Chester
19 supports sending Philadelphia waste
20 there. That's not true. He mentioned
21 the Chester Environmental Partnership.
22 That's the operation funded by Covanta.
23 It's the front group for Covanta to look
24 like they have an environmental supporter
25 in the city, when the actual residents of

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2 the city are strongly opposed to the
3 Philadelphia trash coming to them,
4 including their community.

5 He also said Conestoga is the
6 closest landfill. That's, again, not
7 true. The closest landfill is the
8 Fairless landfill that most of our waste
9 goes to, and that's in Bucks County, much
10 closer, smaller hauling distance.

11 He made an issue about trucks.
12 I have worked with a published expert in
13 this. We did a lifecycle assessment for
14 DC, and we proved that incineration is
15 more harmful than landfills, even if you
16 have to truck it four times as far, and
17 that the trucking emissions were
18 insignificant compared to the amount of
19 pollution from the facilities themselves.

20 So you're hearing one piece of
21 misinformation after another. You're
22 hearing from Scott McGrath, who
23 stonewalled for six months on
24 right-to-know requests when we just tried
25 to get basic information on contracts.

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2 You're getting these comments from Nic
3 Esposito as well, who is the Zero Waste
4 person for the City. He's telling people
5 in our network that trash incinerators
6 have great air pollution control devices,
7 that we are somehow missing that. If
8 that's true, how come they're the largest
9 air polluters in Chester, City, Bucks
10 County, and Montgomery County? How come
11 it's true also that EPA data and even the
12 New York environmental agency for that
13 whole state have looked at comparisons of
14 incineration versus landfills and found
15 that incinerators are far more polluting;
16 that in the case of New York, they found
17 that they're more polluting than their
18 coal power plants. EPA data shows that
19 as well. And the Chester incinerator --
20 most incinerators have four pollution
21 control devices. The ones in Bucks and
22 Montgomery have those, and they're still
23 the largest polluters in those counties.
24 The one in Chester is the biggest one.
25 The country has two. Somehow they're

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2 missing half the pollution control
3 equipment that most incinerators have.
4 And when EPA inspector from Philly asked
5 them about that years ago, they said, oh,
6 well, it costs too much and produced
7 operational problems, even though they
8 can do it elsewhere.

9 So these are the things that
10 the folks advising you are having
11 confidence in. Yet they're not doing
12 their homework, they're not sitting down
13 with us when we ask for meetings, and
14 they're not asking for the advice from
15 their own advisory committee.

16 So we need you to intervene.
17 We need City Council to not just rubber
18 stamp the Administration on this. We
19 need you to make sure that there's no
20 put-or-pay clause in the contract, and we
21 need to make sure there's no burn clause
22 in all the contracts, because it's clear
23 from the state and federal data, from the
24 environmental community, that's worse to
25 be burning it and putting this waste into

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2 our air.

3 Now, let me just say a couple
4 things on the recycling contract. This
5 is separate testimony I put together.
6 I'll be quick on that.

7 I noticed that the
8 contamination rate in the City of what
9 people throw in their trash cans -- I'm
10 sorry.

11 COUNCILMAN GREENLEE: Go ahead.

12 MR. EWALL: I'll wait until
13 you're ready to hear me.

14 MS. ROBINSON: So I'm not going
15 to give my testimony, so you have a
16 little bit extra time.

17 MR. EWALL: Thank you.

18 So 20 to 25 percent of what
19 people are throwing in trash cans --
20 sorry; in recycle bins in the City is
21 considered not recyclable. That fraction
22 that's going to go into Waste
23 Management's hands to the plant in
24 Northeast Philly with the way they're
25 doing the spec fuel project is going to

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2 get burned in cement kilns, which are
3 among the largest air polluters.
4 Actually, they are the largest air
5 polluters, there are five of them, in the
6 Lehigh Valley, and they're the largest
7 air polluters in those counties.

8 And so the idea that somehow
9 recycling is not being burned anymore,
10 well, that may be technically correct,
11 but a lot of stuff that's being thrown in
12 recycle bins that can't get through the
13 recycling process is going to still get
14 burned, and so we need to not listen to
15 the stuff that say, oh, don't worry about
16 the recycle bins anymore. Other people
17 are going to be choking on that
18 pollution, and we need to have a no-burn
19 clause in the recycling contract as well.

20 (Applause.)

21 MR. EWALL: The last point --
22 and I was talking, I was just meeting
23 last night with a recycling industry
24 expert who has been in this field for
25 many, many years. He looked at the

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2 recycling contract and was startled to
3 find -- and I believe -- hopefully he had
4 e-mailed in his comments by now and will
5 document this -- that the City's possibly
6 getting ripped off for up to about \$4 or
7 \$5 million over the lifetime of the
8 recycling contract by Waste Management
9 because they're using the wrong recycling
10 market indexes for aluminum and perhaps
11 also plastics. The value of that is very
12 different from what they put in the
13 contract, and if he's understanding this
14 right, then we need to take a closer look
15 at that contract and not get ripped off
16 for 4 million or more.

17 COUNCILMAN SQUILLA: Thank you.

18 Please proceed.

19 MS. ROBINSON: My name is
20 Lynn --

21 (Applause.)

22 MS. ROBINSON: Yes.

23 My name is Lynn Robinson and I
24 am really new to this issue, so I am
25 actually not going to say my testimony.

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2 I put it in there, but I'll just say
3 this: When I talk to neighbors about the
4 fact that we burn trash, they're shocked.
5 Most people are appalled. They have no
6 idea we're burning trash. They think
7 it's ancient history.

8 And so I'm going to commit
9 myself to learning more about this so I
10 can speak better next time and start
11 informing the public, because I don't
12 think it's going to be very popular.

13 COUNCILMAN SQUILLA: Thank you.

14 MS. RAVAL: Yeah. Hi. My name
15 is Meenal Raval. I'm here to testify on
16 the three bills today, about the
17 recycling contract and about the waste
18 contract.

19 I realize all of us want our
20 trash to be taken away when we place it
21 at the curb. However, there is no such
22 place as away. There is only air, water,
23 or land to dump into.

24 When we incinerate 100 tons of
25 trash, as Mike said, it turns into 30

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2 tons of ash and 70 tons of air pollution.
3 The 30 tons of ash is mostly toxic heavy
4 metals and needs to be buried in a
5 landfill, eventually to seep out into our
6 groundwater. See what I mean about air,
7 water, and land?

8 Because much of our trash is
9 now plastic, it's even worse to burn than
10 in years past because of the toxins and
11 because this adds to the carbon already
12 responsible for the climate crisis.

13 You may say, but, look, the
14 incinerator also generates electricity.
15 Isn't that a good thing? No. The
16 greenhouse gas emissions from an
17 incinerator are much more than from even
18 a coal power plant, which are gradually
19 being closed down all over the U.S.

20 So we shouldn't be incinerating
21 our trash. We could bury our trash in
22 landfills. For now that's a better
23 option, and there's plenty of space, as
24 Mike tells us.

25 I spent most of yesterday

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2 speaking to several national consultants
3 on this issue. I found that we need to
4 look at this problem systematically. We
5 need to ask what is creating trash, how
6 do we reduce it, how do we repair broken
7 items and extend their life, how do we
8 recycle better even up to 50 percent of
9 our trash, how do we encourage economic
10 development around this, how could we do
11 better to educate, and how do we develop
12 pilots for items not previously recycled.

13 By signing these contracts, we
14 end up with corporate interests in charge
15 of our municipal solid waste. We need
16 professional environmental planners in
17 charge of our zero waste goals.

18 (Applause.)

19 MS. RAVAL: These bigger
20 questions that I just asked are beyond
21 the scope of the Streets Department,
22 tasked with hauling and delivering the
23 collected materials. That's all the
24 Streets Department should be doing, and
25 that's all -- I mean, they are good at

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2 that. But we need planners to think
3 outside the box a little bit.

4 What should we be doing? We
5 need a commitment to zero waste. We've
6 said that, but we don't really have this
7 commitment. It means we need to divert
8 up to 90 percent of our trash, do
9 something else with it, and only 10
10 percent maybe gets landfilled.

11 Incineration is not part of
12 this picture. It cannot be. But knowing
13 that landfills are better than
14 incineration, we could continue
15 landfilling our trash for now, and then
16 things we could consider are a
17 pay-as-you-throw program, a program where
18 recycling and compost pick-up is free,
19 and residents are charged per bag of
20 trash.

21 Pay-as-you-throw has been
22 proven to reduce the trash that people
23 put out by 44 percent. You are thinking
24 of illegal dumping, I know. We've been
25 told that there's no significant increase

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2 in illegal dumping. This was surprising
3 when I read this.

4 Meanwhile, we need to close the
5 loop with local recycling facilities that
6 process the collected materials. We
7 can't look to China anymore. We know
8 that. So we need to think local around
9 this and local composting facilities to
10 process our organic waste and convenient
11 neighborhood sites for repairs and for
12 drop-off of bulky and hazardous
13 materials. One reason we have illegal
14 dumping is because people don't have cars
15 to shlep it to the convenience centers.

16 Specific to the contracts on
17 the table, well, I missed the hearing
18 about the waste thing. We're spending
19 about \$10 million a year on our
20 recycling. The contract says a lot about
21 the contamination rates, but nothing
22 about how to reduce it. There was a
23 reference to an education fund on there,
24 but there was no mention of how much --
25 how big that fund would be, nor who

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2 manages it. We need better education if
3 we're going to reduce our contamination
4 rates, and I'll give an example. Pizza
5 boxes. I've been told both ways, they're
6 recyclable and they're not. When I put
7 them in the trash because they got grease
8 on them, the trash guys don't pick it up.
9 So there's an inconsistency in education.
10 We need a better education fund if we're
11 going to get this right.

12 And I checked all these
13 contracts yesterday, and the money -- the
14 disposal fees on all these contracts was
15 blank yesterday. Today I hear there were
16 numbers attached to them. This is very
17 last-minute for a lot of million dollars,
18 and I don't think we should hurry up to
19 sign it. It's like writing a blank check
20 just for incineration.

21 Zero waste means never having
22 to say we're burning our trash, not even
23 at waste-to-energy plants.

24 And I'd like to add a little
25 bit about, Councilwoman Bass, you had a

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2 hearing on composting a couple years ago.
3 That needs to be revived and that needs
4 to be part of this bigger picture,
5 composting, not anaerobic digestion that
6 Mr. Williams mentioned, I think.

7 COUNCILMAN SQUILLA: Thank you
8 very much.

9 And is there a Ron White?

10 MS. RAVAL: He left. He had to
11 go to work.

12 COUNCILMAN SQUILLA: Is there
13 anybody else to testify before we'd like
14 to bring the Commissioner back?

15 Okay. Just come up if you want
16 to testify.

17 COUNCILWOMAN BASS: Mr.
18 Chairman, can we have the Streets
19 Commissioner come back and address what
20 was stated before we hear any testimony?

21 COUNCILMAN SQUILLA: Sure.
22 Commissioner.

23 COUNCILWOMAN BASS: If you
24 could just address some of the statements
25 that were made so that we know -- we hear

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2 a balance argument, I guess. We hear
3 both sides.

4 COUNCILMAN SQUILLA: I'm sorry.
5 Before you start to testify, we're just
6 going to have the Commissioner sit and
7 before you testify, Commissioner is going
8 to sit and just explain one thing.

9 If anybody who has testified
10 already, please go behind the gate.
11 Anybody who hasn't testified, please come
12 in front of the gate. If you have
13 testified, please go behind the gate.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN SQUILLA:
17 Councilmember Bass.

18 COUNCILWOMAN BASS: Yes. So,
19 Commissioner, you heard the testimony and
20 the concerns, and I just wanted to hear
21 what your response was to those concerns.

22 COMMISSIONER WILLIAMS: There
23 was a lot of testimony. Is there a
24 specific area that you would like us to
25 comment on, Councilwoman?

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2 COUNCILWOMAN BASS: There's not
3 a specific area, but there was just a lot
4 of information that was provided that
5 said that some of the information that
6 you provided earlier was inaccurate or
7 that some of the information was not as
8 it has been presented in terms of the
9 benefit to the City, the cost to the
10 City, the environmental impact.

11 So I did not keep a full list
12 of everything stated, so I don't know if
13 you wanted to respond to some of the
14 things that were said, because I think
15 that having the other side of the
16 argument is important if there is another
17 side to present based on what was just
18 presented.

19 COMMISSIONER WILLIAMS: And we
20 certainly appreciate the testimony that
21 was presented here today. One of the
22 things that we rely on is, again,
23 information that comes from the state DEP
24 in terms of the violations that was
25 issued against facilities. There are

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2 emissions that we should be concerned
3 about. Again, after meeting with the DEP
4 and EPA in terms of these areas, there
5 were none in terms of us being -- these
6 facilities being in those type of
7 violations. In fact, many of the
8 standards that was presented by the EPA,
9 we were given information that they were
10 below, well below, those standards. And
11 while there may be some issues with
12 emissions in general, the standards that
13 were set forth, which we go by, certainly
14 saw that they fell into compliance. So
15 those are the things that we took a look
16 at when evaluating this contract in terms
17 of environmental sustainability.

18 In terms of information that's
19 being relayed and given up at the last
20 minute, as you know, we went through a
21 Best Value process, as I testified
22 before, in which several departments
23 participated in. During that
24 negotiation, we cannot publicly disclose
25 the information that we discuss during

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2 those negotiations until after those have
3 concluded. Then we present it to your
4 office. The opportunity to do that in
5 advance during negotiations was just not
6 there.

7 With recycling, with regards to
8 recycling, as you know, Councilwoman, we
9 pride ourselves in being one of the most
10 environmental cities in terms of
11 recycling. We went from 5 percent ten
12 years ago to 20 percent diversion by
13 switching to single-stream recycling, but
14 that market has now changed and single
15 stream may not be the best option in
16 terms of how materials are collected
17 because of the level of contamination
18 now. So we launched a massive
19 environmental broad-based educational
20 campaign that teaches people about the
21 basics of recycling.

22 When I go by our neighbors'
23 bins and when I go throughout the
24 neighborhoods and communities, I see that
25 people don't really understand what to

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2 recycle. And so we do need to go back to
3 the basics to educate people on not --
4 it's not just important to put things in
5 the bin, but recognize what you're
6 putting in the bin, because it's actually
7 harmful to the environment.

8 So those are some of the things
9 that the Department has done and will
10 continue to do.

11 Scott McGrath, our
12 Environmental Planner, is here. He works
13 very closely with the state in reference
14 to the standards. I certainly will give
15 him the opportunity to testify. Keith
16 Warren, Deputy Commissioner, is also here
17 with us today. He can talk about the
18 operational efficiencies that we've
19 gained in terms of these relationships
20 and our current contract. So we're happy
21 to try to answer any questions that they
22 have. If there's additional information
23 that we need to review, we certainly will
24 do that as well. And when there are
25 issues that come up, we certainly will

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2 share them with this Council so that we
3 can address them immediately, if in fact
4 these problems exist and they're
5 exasperated and they're again documented
6 by agencies that we have to take our data
7 and information from.

8 COUNCILWOMAN BASS: Okay.

9 COUNCILMAN SQUILLA: One quick
10 question before you start. The one
11 question is that the minimum amount of
12 waste being received. If you do not come
13 up with that amount of waste, would you
14 still have to pay for it or is that a
15 violation of a contract?

16 COMMISSIONER WILLIAMS: We have
17 to deliver 75 percent of the minimums
18 that were established, and then that
19 becomes an issue with the contract. So
20 75 percent of what I reported earlier.

21 COUNCILMAN SQUILLA: Anybody
22 could answer. If you want to start and
23 then you can go into your --

24 MR. McGRATH: I would add
25 that --

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2 COUNCILMAN SQUILLA: State your
3 name.

4 MR. McGRATH: Scott McGrath,
5 Environmental Planner, Streets
6 Department.

7 I would add that the guarantee
8 can also be adjusted on an annual basis.
9 So as recycling or the amount of waste
10 generated by the City changes, that
11 number can also be adjusted. So the
12 numbers that we're providing to the
13 contractors is 75 percent of the
14 guaranteed quantity. That guaranteed
15 quantity can also be adjusted on an
16 annual basis. So that protects the City
17 from any put-or-pay issues.

18 COUNCILMAN SQUILLA: Is that
19 written into the contract that you can
20 adjust it?

21 MR. McGRATH: Yes.

22 What's that?

23 COUNCILMAN SQUILLA: Is it in
24 the contract that it could be adjusted
25 every year?

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2 MR. McGRATH: Yes.

3 COUNCILMAN SQUILLA:

4 Councilmember.

5 COUNCILWOMAN BASS: So the
6 answer is yes?

7 COMMISSIONER WILLIAMS: Yes.

8 COUNCILWOMAN BASS: Okay. I
9 just thought you --

10 COMMISSIONER WILLIAMS: I was
11 talking to our Law Department. Yes.

12 COUNCILWOMAN BASS: Oh, okay.

13 One other question. I did have
14 a hearing a while ago -- it's been at
15 least two or three years ago -- on
16 composting. And we know that composting
17 does lift out some of the matter out of
18 our trash, which lightens the load, which
19 saves us money. Have we been looking at
20 that in terms of having some composting
21 available in the City of Philadelphia at
22 least on a pilot program --

23 COMMISSIONER WILLIAMS: Yes.

24 COUNCILWOMAN BASS: -- basis?

25 Is that something that we're doing?

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2 COMMISSIONER WILLIAMS: Yes.

3 Thank you, Councilwoman. I want to
4 address the comment that was made
5 earlier, that we were talking about
6 anaerobic digestion versus aerobic
7 digestion. We have both, and we were
8 approved for a permit to pilot aerobic
9 digestion facilities in the City of
10 Philadelphia.

11 COUNCILWOMAN BASS: What did
12 you call it again?

13 COMMISSIONER WILLIAMS: Excuse
14 me?

15 COUNCILWOMAN BASS: What did
16 call it again?

17 COMMISSIONER WILLIAMS:
18 Aerobic. That means it naturally
19 decomposes inside them versus having
20 machines that do it and produce a gas, in
21 its simplest term.

22 Yeah. So we do have both
23 options available to us. One is being
24 coordinated by the Zero Waste and Litter
25 Cabinet. The other is actually a part of

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2 our contract to introduce an aerobic
3 digestion facility here in the City of
4 Philadelphia.

5 COUNCILWOMAN BASS: When will
6 that be rolling out?

7 COMMISSIONER WILLIAMS: The DEP
8 permit for the aerobic digestion has
9 actually just been approved, and so we're
10 looking at piloting in some areas through
11 the Zero Waste and Litter Cabinet. I can
12 get you a timeline on when that occurs,
13 but that is expected to happen in the
14 very near future.

15 COUNCILWOMAN BASS: This year?
16 Next year?

17 COMMISSIONER WILLIAMS: I don't
18 know.

19 COUNCILWOMAN BASS: Near future
20 in Philadelphia can mean a lot of things.

21 COMMISSIONER WILLIAMS: Within
22 a year, Councilwoman.

23 COUNCILWOMAN BASS: Within one
24 year?

25 COMMISSIONER WILLIAMS: Yes. I

1 6/5/19 - STREETS - BILL 181004, ETC.
2 would say within a year, because there's
3 planning and obviously we would have to
4 market and advertise where these
5 facilities are to get people to start
6 actually using them.

7 The other is, again, a part of
8 a pilot to study and look at those best
9 practices where they've actually
10 introduced, as I stated, in Newark, New
11 Jersey. I believe California is another
12 location in which they're actually
13 looking at a 25,000 annual ton facility
14 that would allow them to take food waste
15 and turn it into energy.

16 COUNCILWOMAN BASS: All right.
17 Thank you.

18 COMMISSIONER WILLIAMS: You're
19 welcome.

20 COUNCILMAN SQUILLA: Thank you.
21 Thank you for your testimony. If you
22 could still hang, we'd appreciate it.

23 I don't remember who we called,
24 but if the first three could come up to
25 testify that we called and then the other

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2 ones afterwards.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN SQUILLA: Just state
6 your name for the record and then whoever
7 wants to start, and we'll go from there.

8 MS. GUTTENBERG: Good
9 afternoon. My name is Marta Guttenberg.
10 I'm a resident of Center City
11 Philadelphia. I'm also a retired
12 pediatric pathologist retired from the
13 Children's Hospital, but I'm speaking
14 today as a private citizen.

15 I'm going to try to make two
16 points. The first is that if you Google
17 Covanta, you will find an article
18 published in a very reputable journal,
19 The Guardian, on the profound
20 environmental racism that that
21 corporation inflicts on the City of
22 Chester. I think it's shameful for
23 Philadelphia, City of Brotherly Love, to
24 throw our neighbors of color under the
25 bus.

1 6/5/19 - STREETS - BILL 181004, ETC.

2 (Applause.)

3 MS. GUTTENBERG: The next thing

4 I'm going to try to talk about is

5 environmental racism. Environmental

6 racism does not mean that you disregard

7 laws. Oftentimes environmental racism is

8 encoded in the very laws and regulations

9 that are being presented today and which

10 contracts need to comply with.

11 I'm hoping that you will step

12 back and look at the big picture that

13 permits the entire East Coast of the

14 United States to put its trash into

15 Chester.

16 Thank you.

17 COUNCILMAN SQUILLA: Thank you.

18 (Applause.)

19 MS. EDWARDS: My name is Susan

20 Edwards. I'm a retired educator. And I

21 mainly have some questions for you. I'm

22 wondering if there's anybody who lives in

23 Chester who is here today?

24 (No response.)

25 MS. EDWARDS: So I might be the

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2 closest thing. I live about four miles
3 from Chester, and I understand that the
4 plume from the Covanta plant extends out
5 17 miles, which actually would include
6 right here, and the toxins that go into
7 the area not only harm Chester residents
8 but also those of us who live within that
9 17-mile radius.

10 I grew up a few miles from
11 Chester. My father went to Chester High
12 School. I used to go shopping in Chester
13 for clothes and for fabric. I've taken
14 part in alternatives to violence
15 workshops in Chester. I have many dear
16 friends who live there and acquaintances.
17 And I've taken a toxics tour of Chester,
18 and I would advise anybody who has not
19 taken such a tour to get in a car or get
20 on a bus and travel around the city near
21 the waterfront and it's filled with smoke
22 and all kinds of things going into the
23 air right across the street from where
24 people live. So Chester -- talk about
25 environmental racism or environmental

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2 justice. I think Chester is probably a
3 poster child for that. So I think we
4 need to be very careful not to add to
5 that.

6 I'm wondering if you can assure
7 us that neither Chester residents nor
8 those of us living within the 17-mile
9 range are not being exposed to dangerous
10 air pollution.

11 Have you looked at evidence
12 that the ash from burning waste is far
13 more toxic than unburned waste in a
14 landfill, which has been alluded to?

15 Have you considered landfilling
16 the waste and recyclables while working
17 to increase energy efficiency and wind
18 and solar electric generation instead of
19 so-called trash-to-steam?

20 And can you explain why the
21 Chester Covanta plant has only two
22 pollution control devices compared to
23 four at other plants?

24 Thank you.

25 (Applause.)

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2 MS. DIXON: Hi. I'm Ann Dixon.

3 A friend of mine's young nieces
4 and nephew, Ali, Sarah, and Ryan, live in
5 Chester, on Chester Pike right where it
6 turns into Morton Avenue. The back of
7 their yardless house overlooks 95. So
8 they breathe in carcinogens from vehicles
9 on these roads. There's no place outside
10 to play. Their schools are inadequate.
11 My friend wonders if Ryan, who is now a
12 bright ten-year-old, will be first to
13 join a gang in a few years.

14 Almost all children in Chester
15 are in the same boat as Ali, Sarah, and
16 Ryan. They already have challenges in
17 their lives. I'm ashamed that my
18 discarded plastic is burned and ends up
19 in their lungs.

20 Twenty-seven percent of the
21 waste burned in Chester comes from
22 Philly. Covanta Delaware Valley
23 incinerator makes the worst air pollution
24 in Delaware County, even worse than the
25 oil refineries, even worse than the

1 6/5/19 - STREETS - BILL 181004, ETC.
2 Kimberly-Clark paper mill. This
3 incinerator is the number two source of
4 Mercury within the five-county
5 Philadelphia area. Mercury causes damage
6 to nervous, digestive, and immune systems
7 and lowers IQ in children.

8 The incinerator also releases
9 nitrous oxide, sulfur dioxide, cadmium,
10 carbon dioxide, and other harmful
11 substances.

12 I'm especially concerned by its
13 release of particulate matter.
14 Particulate matter is a mixture of liquid
15 and solid particles. Some particles like
16 smoke can be seen. Others are smaller
17 and can only be seen with a strong
18 microscope.

19 Particulates aggravate lung
20 disease and trigger asthma attacks. I'm
21 sure everyone in this room knows someone
22 with asthma.

23 In 2017, the Harvard School of
24 Public Health published a study in the
25 New England Journal of Medicine about

1 6/5/19 - STREETS - BILL 181004, ETC.
2 health effects of breathing particulate
3 matter for those over age 65.
4 Researchers observed adverse health
5 effects with exposure at levels below
6 current safe standards. The study found
7 that there is no safe level of
8 particulate matter. So burning trash is
9 worse for health than using landfills
10 because burning releases these toxins.

11 Don't burn our trash.

12 (Applause.)

13 COUNCILMAN SQUILLA: Thank you.

14 The next three, you could
15 self-select, whoever, to come up.

16 MR. RANDOLPH: Good afternoon.

17 My name is John Randolph. I live in
18 Havertown, Delaware County. I'm a
19 lifelong resident of Delaware County, and
20 I'm here to represent the opinions of my
21 family, friends, and neighbors regarding
22 the contract with Covanta.

23 Council is deciding here today
24 to continue to burn the City of
25 Philadelphia's trash in Chester, Delaware

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2 County. Chester is an economically
3 disadvantaged community comprised mainly
4 of people of color. Chester residents
5 will bear the brunt of breathing in tons
6 of your toxic ash. This is an obvious
7 case of environmental racism, but we all
8 know it. This may be legal, but it's
9 immoral.

10 (Applause.)

11 MR. RANDOLPH: You are deciding
12 to burn this trash instead of using a
13 landfill space or some other less
14 dangerous way of disposal that does not
15 involve residents of my county breathing
16 in toxic ash.

17 I urge you to decide a
18 different way to dispose of your trash.
19 Some here today will make this decision,
20 but we are all responsible.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Whoever would like to go next,
24 please. Speak into the microphone and
25 identify yourself for the record.

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2 MR. CHANIN: Thank you. Thanks
3 for the opportunity to testify. My name
4 is Mitch Chanin. I'm a resident of
5 Philadelphia, a member of the Steering
6 Committee of 350 Philadelphia.

7 I wasn't planning to testify
8 today, but I want to share a few thoughts
9 with members of the Committee.

10 Last June, City Council passed
11 a law authorizing members of Council to
12 request an environmental impact
13 assessment from the Office of
14 Sustainability in order to evaluate the
15 various impacts of proposed legislation.
16 To my knowledge, that has not yet been
17 triggered, but in light of what has been
18 said today, I would like to suggest that
19 members of this Committee request a full
20 environmental assessment from the Office
21 of Sustainability prior to approving any
22 of these contracts.

23 It's clear that there's a
24 difference of opinion among the Streets
25 Commissioner and literally everyone else

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2 who has testified about the impacts of --
3 the relative impacts of -- health impacts
4 of incineration versus landfilling. To
5 me, it seems crystal clear that
6 incinerating trash is much worse for
7 people's health than landfilling.
8 However, if members of the Committee feel
9 like they aren't able to or ready to form
10 a judgment about that, you've passed a
11 law giving you a tool to get an
12 assessment from the Office of
13 Sustainability, and I would encourage you
14 to do that.

15 I want to say that there's more
16 and more research about the health
17 impacts of air pollution. The World
18 Health Organization recently declared air
19 pollution a public health emergency.
20 I've been especially concerned, as Ann
21 Dixon was saying, about particulate
22 matter, especially the smallest kind of
23 particles, ultrafine particles, which are
24 not yet regulated, but appear to have
25 very serious health impacts. And we're

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2 learning more and more about those
3 impacts every day.

4 Health conditions in Chester
5 are an emergency and should be treated as
6 an emergency by members of this Committee
7 and by members of City Council. It is
8 not acceptable to keep burning trash in
9 light of the really serious health
10 impacts that people are experiencing.

11 I just want to quote two
12 sentences from a report that was in The
13 Guardian, a reputable UK newspaper. The
14 title of that article was Revealed: Air
15 pollution may be damaging, quote, every
16 organ in the body. International
17 Respiratory Societies forum published a
18 couple of review papers recently, and in
19 the conclusion they indicated, quote, Air
20 pollution can harm acutely, as well as
21 chronically, potentially affecting every
22 organ in the body. Ultrafine particles
23 pass through the lungs, are readily
24 picked up by cells, and carried via the
25 bloodstream to expose virtually all cells

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2 in the body.

3 So we're learning more and more
4 about the harmful impacts of air
5 pollution. I think there's a lot more
6 that's going to be found in the coming
7 years as that research continues. I
8 don't see any justification for approving
9 these contracts in light of that data, in
10 light of all the testimonies that were
11 offered today. And if Committee members
12 feel like you're, as I said, not ready to
13 fully evaluate that on your own, I would
14 encourage you to ask the Office of
15 Sustainability to compile all this data
16 and to formulate some opinions for you to
17 consider.

18 Thank you very much.

19 (Applause.)

20 MS. GADDY: My name is Aisha
21 Gaddy, and I would just like to read
22 something here. So I was able to speak
23 with Mr. Williams a little earlier in
24 regards to talking about the landfills.
25 We already kind of covered that we

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2 actually do have other landfills further
3 out, and we were talking about how much
4 it would be for the carbon footprint and
5 so forth. But they say that they
6 definitely use the EPA for what they're
7 exploring here. So the EPA data shows
8 that the three incinerators here around
9 Philadelphia are the third, fourth, and
10 fifth largest industrial sources for
11 nitrogen oxygen and air pollution, and
12 these polluters are right here, like we
13 said, in Chester.

14 So as one of the other persons
15 spoke, nitrogen oxygen is something that
16 definitely insinuates asthma as well as
17 cancer.

18 Also, the incinerators are,
19 from the American Lung Association -- so
20 we've said that just the five counties
21 around Philadelphia have received an F
22 for air quality because of these
23 incinerators, and that's an F, not an A,
24 B, C, D. An F.

25 So we're just trying to say

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2 that, as my colleague here just spoke,
3 we're just trying to say that we
4 understand that we have to do something
5 and we have to do something immediate.
6 But we look at these contracts. As
7 somebody even spoke, there was a contract
8 that had a no minimum waste. So that way
9 if there is something that comes up, you
10 could decide not to send anything there
11 to be burned.

12 And then also they were saying
13 in the contracts -- so I was given a
14 piece of the contract to read, which was
15 the guaranteed annual quantity, which is
16 on Page 9. So that is what everybody was
17 talking about in regards to the 75
18 percent, Page 9, Section 8. So if you
19 wanted to look at that to see exactly
20 what we're talking about, because they're
21 saying it's yearly, but the way the
22 contract is reading, it's every four
23 years. So if you want to read that,
24 Exhibit A, Page 9, Section 8 on the
25 contract.

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2 COUNCILMAN SQUILLA: Thank you.

3 (Applause.)

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN SQUILLA: Just state
7 your name to begin and then proceed.

8 MR. COX: Hello. Thank you for
9 having me. My name is Joe Cox. I am in
10 support of everything the activists,
11 environmental activists, have said about
12 not burning trash, but I just want to
13 make a quick comment.

14 I don't understand why it's
15 confusing that our city is dirty. We
16 have no public bathrooms. There's no
17 trash cans or recycling bins. It's hard
18 for people to get a recycling bin at
19 their house. And there is no education
20 on the bin that tells people what is
21 recyclable.

22 That's it.

23 COUNCILMAN SQUILLA: Thank you.

24 MS. LANDES: Hi. My name is
25 Lynn Landes. I'm an 18-year resident of

1 6/5/19 - STREETS - BILL 181004, ETC.
2 Philadelphia and a 23-year resident of
3 Bucks County and was very involved in
4 protesting against the increased
5 landfills and incinerators in Bucks
6 County at that time. I'm also the
7 Founder of Zero Waste America. It is a
8 resource website that focuses on zero
9 waste issues, landfills, incinerators,
10 and legislation, and I was -- I helped
11 author legislation to zero waste out the
12 yard waste in Pennsylvania in order to
13 protect us from waste imports. We are, I
14 believe, still the largest importer of
15 waste in the country. So we are really
16 the wastebasket of the United States.

17 So I do want to make it clear,
18 that website has been there for years.
19 It's a resource website, and I do not
20 represent any group as such.

21 I was apart of the zero waste
22 movement, a member of the state's Solid
23 Waste Advisory Committee in the 1990s,
24 and the Sierra Club Solid Waste Chair.

25 Regarding incinerators, it is

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2 the worst of all possible solutions, as
3 it results in the emission of dioxin,
4 Mercury, and other cancer-causing and
5 neurotoxic emissions. And to be frank,
6 our population is not doing well. Our
7 children are not doing well. One in five
8 have ADD and other issues to do not only
9 with emissions but with other toxic
10 elements they are being exposed to. This
11 is just one more. And particularly with
12 the Mercury, Mercury drives you crazy.
13 So that's why we really want to be
14 reducing Mercury emissions, not adding to
15 them.

16 In addition to the incinerator
17 ash, the emissions in the air, and that
18 30 percent of the waste going back into
19 the landfill, a lot of it does not go
20 into the landfill. A lot of it goes into
21 building and road construction products.
22 So, for instance, when the road is being
23 swept and being cleaned, particularly
24 let's take Germantown Avenue, for
25 example, and the mortar between those

1 6/5/19 - STREETS - BILL 181004, ETC.
2 stones, the historic stones, and all that
3 dust is being kicked up, that could
4 include incinerator ash, toxic
5 incinerator ash. So it's those kinds of
6 things we have to be very clear on.

7 Again, with the zero waste
8 program for the City, I would like to
9 volunteer to help out with that program.
10 But when we talk about zero waste, we're
11 really not talking about -- I think it's
12 best to focus on zeroing out a waste
13 stream, not simply reducing it. It's a
14 better focus. So with the organic waste
15 stream; for instance, food compost and
16 yard waste, the object should be to zero
17 out that waste stream.

18 My family uses Bennett Compost.
19 All our food trash, with the exception of
20 meat products, goes in that compost bin.

21 So that's what I would suggest.
22 Please do not go the incinerator route.
23 Incinerator, basically what it takes is,
24 it takes trash and burns it into these
25 really small particles that make it far

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2 easier for you to absorb through your
3 blood and air and in your lungs. So it's
4 really a short circuit to your brain and
5 your body, and that's the last thing we
6 want to do.

7 Landfills are not good, but
8 they're not as bad by any extent as
9 incinerators are. And, again, I would
10 like to volunteer my time to help with
11 your zero waste program with the Streets
12 Department.

13 Thank you very much.

14 (Applause.)

15 COUNCILMAN SQUILLA: Thank you.

16 Thank you all for your
17 testimony, and hopefully we can continue
18 to work together to make the right
19 decisions moving forward.

20 Is there anybody else here to
21 testify on Bill No. 190413, 190468, and
22 190469?

23 (No response.)

~~24 COUNCILMAN SQUILLA: Seeing~~
~~25 none, Mr. McMonagle, please read the~~