

**Testimony of Joseph Otis Minott, Esq., Executive Director and Chief Counsel,
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**Refinery Advisory Group
Public Meeting: Environment Committee**

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My name is Joseph Minott, and I am the Executive Director and Chief Counsel of Clean Air Council, a non-profit organization, headquartered in Philadelphia. The Council's mission is to protect everyone's right to a healthy environment which it has been doing for over 50 years. Clean Air Council has 35,000 involved members, including many in Philadelphia.

I confess to not understanding the purpose of the Refinery Advisory Group. The cynic in me suspects it is mere window dressing to show the public that city leaders are doing something. But are they? So far public pronouncements from city officials have been discouraging. Throughout this process, I assumed the City was supposed to be an unbiased arbiter of differing perspectives on the future of the refinery site. However, the City's public statements lead me to believe that the City has an agenda to support a refinery as the future use of the PES site. We have heard City officials say that it is highly likely that the site will remain a refinery because refineries that have closed historically reopen again as refineries. They've told us that the level of soil contamination is too high to support any other type of land use besides a refinery or similar heavy industry. City officials have stated to the public multiple times that the City has essentially no power to decide what happens at this site. These statements are not true.

Other cities faced with the opportunity of what to do with large highly contaminated tracts of lands in their cities have seized the opportunity to work with all stakeholders including planners, builders, unions, clean energy companies, and environmental health advocates to create a vision for how best to use the land. The challenge for this Advisory Group is not to give up on creating a vision for the use of this property but rather to help determine how these 1,300 contaminated acres that straddle two rivers can be developed in a way that would drive economic development, increase recreation by the rivers, and improve the environmental health of the city. Are you up to that challenge?

As an environmental health advocate, I beg this sub-committee to use your combined knowledge of industrial pollution to make city and state leaders understand what is at stake and urge particularly city officials to demonstrate real leadership by meaningfully engaging the broader Philadelphia community in a visioning process that starts with asking residents and stakeholders about what they would like to see the refinery site be used for - not how to make a future refinery cleaner or better.

With the help of the experts on this environmental sub-committee we can ensure that the city's final report from this work will include a thorough analysis of alternative uses of the refinery site, will ensure that proper remediation of the site is completed with full public engagement, and will encourage opportunities for future uses at the site that **do not** pollute the air or water, **do not** harm public health, and **do not** harm Philadelphia residents' quality of life. The report should include recommendations to the Planning Commission and City Council to amend the zoning of the refinery area to match the highest and best uses of the site identified in the analysis for the report. The city does in fact have the power to make decisions about land use through zoning changes or changes in regulation. A City-approved vision for this land from this process is an absolute necessity because it will help regulators and stakeholders ensure that Sunoco and PES' remediation standards for the refinery parcels are adequate for the intended future use.

The residents and the environment in Philadelphia and surrounding areas have paid a heavy price for hosting this refinery. This sub-committee, probably more than the other sub-committees, has experts that truly understand the devastation caused by having a refinery in a densely populated city. Over the refinery's century and a half of storing and processing crude oil and petroleum products, it has heavily contaminated the soil and polluted the surrounding rivers and underlying aquifer. The refinery was the largest stationary source of toxic air pollution in Philadelphia.

From my perspective as an environmental health leader in Philadelphia, these are my suggestions to this sub-committee: I am looking to see the end of an old, inefficient, highly polluting plant which has had chronic problems meeting its environmental obligations. The plant is not economically viable and has survived only thanks to taxpayer support and bankruptcy protection. The plant was a constant danger to first-responders, the refinery work force, nearby neighborhoods and the region as a whole. Even if the plant were more environmentally benign, it does not belong in a densely populated city.

Permanently closing the refinery and using the land for something non-polluting would be a major improvement to air quality, public health, and quality of life in Philadelphia, and would remove the City's single-largest industrial contributor of greenhouse gases. This would reduce a significant chunk of climate pollution produced in Philadelphia at a time when climate scientists say we must drastically cut greenhouse gases to avoid catastrophic climate change.

The only tragedy in the shutdown of this plant is the sudden loss of high wage union jobs. Whatever the future we envision for this property we must find ways to create such jobs.

Environmentally what do we want:

Clean Up: After decades of toxic pollution, it will take a comprehensive and well-informed cleanup effort to make the site usable in the future, but this cleanup is very much achievable. However, Sunoco has so far denied local residents, city agencies, local elected officials, workers and others the opportunity to provide meaningful input on the remediation plans. The Department of Environmental Protection (DEP) has approved Sunoco's weak cleanup standards for much of the refinery property. In addition to Sunoco's remediation of this legacy contamination, PES will now also be responsible for its own cleanup. This environmental advisory group must demand that the DEP and the Environmental Protection Agency (EPA) open up all approved remediation planning documents for public comment with adequate amounts of time for the public including its experts to comment on each document.

A New Use for This Property: The Council would like to see this property used for solar energy. We would like to see access to the river front of this property turned into a greenway that can be enjoyed by both nearby residents and other Philadelphians. We want the future use of the property to ensure that nearby neighborhoods and the city as a whole are protected from air, water and land pollution. But it is not up to the Council to determine the future use of this property. It is up to all stakeholders including nearby neighbors, planners, builders, workers, unions, clean energy companies, environmental health advocates and other stakeholders to create a vision for the land use.

I am sure experts on this panel recognize the gravity of their responsibilities and ask that you please act with the courage and vision we need to ensure the full protection of public health, air and water quality, safety, and quality of life for current and future generations in Philadelphia. Mayor Kenney, City Council, Governor Wolf, state and city departments should grab this opportunity and be bold in their vision as to how this property can be used.