

RESOLUTION

Voicing City Council's strong interest in and enthusiastic support of proposals to purchase the Philadelphia Energy Solutions (PES) refinery site that align with the City of Philadelphia's goals to improve air quality, reduce greenhouse gas emissions and protect the health, safety, and welfare of Philadelphia residents.

WHEREAS, On June 21, 2019, a fire and explosion at the Philadelphia Energy Solutions (PES) refinery resulted in PES closing its refinery, laying off over 1,000 highly-skilled workers, and filing for bankruptcy; and

WHEREAS, On October 16, 2019, the U.S. Chemical Safety and Hazard Investigation Board released a report concluding that an old, degraded pipe had thinned to the point of failure, triggering the release of hundreds of thousands of pounds of explosive substances. The investigation also confirmed the release included 5,200 pounds of hydrofluoric acid, a deadly chemical; and

WHEREAS, As part of the bankruptcy proceedings, interested bidders are required to submit proposals to purchase the refinery land by November 22, 2019 in order to qualify for the final bidding round. Bidders that qualify will have a deadline of January 10, 2020 to submit a final bid. If PES decides to hold an auction to sell the refinery, it will take place on January 17, 2020; and

WHEREAS, The PES refinery was the largest stationary source of toxic air pollution in Philadelphia and the City's single-largest industrial contributor of greenhouse gases; and

WHEREAS, Throughout 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; and

WHEREAS, The National Cancer Institute estimates that Philadelphia has the highest cancer rate of any major U.S. city; and

WHEREAS, The Philadelphia area has consistently failed to attain the National Ambient Air Quality Standards for ground-level ozone, the main constituent of smog; and

WHEREAS, According to the American Community Survey 2013-2017, the population in ZIP code 19145 is 32.3% African-American and the population in ZIP code 19153 is 76.4% African-American; and

WHEREAS, Of the 45,000 residents living within one mile of the refinery, 71% are people of color, and 32% are below the poverty line; and

WHEREAS, All neighborhoods surrounding the refinery site are identified as environmental justice areas by the Pennsylvania Department of Environmental Protection because 20 percent or

more of the population live in poverty and/or 30 percent or more of the population are people of color; and

WHEREAS, According to a 2017 study from the National Association for the Advancement of Colored People, residents of low-income neighborhoods and neighborhoods of color are disproportionately impacted by air, water, and soil pollution and suffer a higher amount of negative health effects. Companies disproportionately locate polluting facilities and operations in or close to communities of color; and

WHEREAS, According to the recent Intergovernmental Panel on Climate Change (IPCC) report, the world only has until 2030 to cut greenhouse gas emissions 45% to avoid catastrophic climate change; and

WHEREAS, The Fourth National Climate Assessment describes the air quality impacts of climate change. Climate change has already increased ozone levels across the country, especially in already polluted areas, and levels are expected to further increase as a result of changes in temperature, local weather, and air circulation; and

WHEREAS, On June 21, 2017, Mayor Kenney committed to sourcing 100 percent of municipal operations from renewable energy and to work toward a goal of 100 percent clean energy citywide; and

WHEREAS, In July 2017, Mayor Kenney committed to reduce carbon emissions in Philadelphia by 80 percent by 2050 (based on 2006 levels); and

WHEREAS, In August 2018, the Office of Sustainability released its long-term clean energy vision called *Powering Our Future*, which is designed to achieve Mayor Kenney's goal of reducing carbon emissions by 80 percent while emphasizing equity and health for all Philadelphians. The vision included a specific commitment to source 100 percent of municipal operations from renewable energy by 2030; and

WHEREAS, In September 2019, Philadelphia City Council passed the Ready for 100 (Resolution [190728](#)), stating that the City of Philadelphia shall take measures to achieve a fair and equitable transition to the use of 100% clean renewable energy for electricity in municipal operations by 2030, for city-wide electricity by 2035, and for all energy (including heat and transportation) city-wide by 2050 or sooner; and

WHEREAS, There is an enormous opportunity for sustainable businesses – those that have little to no negative environmental impacts – and other stakeholders to reimagine future uses of the refinery site that align with the City of Philadelphia's sustainability and climate goals and continue the tradition of providing skilled, high-paying jobs; and

WHEREAS, A district plan for South Philadelphia issued by the Philadelphia City Planning Commission in May 2016 as part of Philadelphia's comprehensive plan, known as *Philadelphia 2035*, envisioned the potential for public waterfront access and ecosystem services for the

refinery site. To accomplish this, the plan recommended extending trails and bike connections that could ensure long-term access to the waterfront. Notably, the plan states, “[i]f certain industrial sites change ownership and use in the coming years, the Schuylkill and Delaware riverfronts could become important recreation, stormwater management, environmental remediation, and wildlife habitat sites, as well as important sites for increased tree cover;” and

WHEREAS, The City of Philadelphia’s Air Management Services is working on a regulation to require health risk assessments for new, modified, and existing air pollution sources; and

WHEREAS, City Council is hosting a public hearing on November 22, 2019 to listen to public testimony about future uses of the site; and

WHEREAS, On November 14, 2019, Judge Gross approved bidding procedures, which include a requirement for PES to consult with the City of Philadelphia during an auction about the future use of the site and to disclose the names of the bidders to the city; now therefore be it

RESOLVED, That the Council of the City of Philadelphia hereby voices its strong interest in and enthusiastic support of proposals to purchase the Philadelphia Energy Solutions (PES) refinery site that align with the City of Philadelphia’s goals to improve air quality, reduce greenhouse gas emissions and protect the health, safety, and welfare of Philadelphia residents.

FURTHER RESOLVED, That City Council invites sustainable businesses or other stakeholders that may be interested in purchasing the land to use for purposes that align with the city’s sustainability goals to consider submitting a proposal by the November 22, 2019 deadline.

FURTHER RESOLVED, That City Council urges Mayor Kenney to use the requirement approved by the bankruptcy judge that PES consult with the City of Philadelphia about the future use of the site to ensure that the future land use aligns with the City of Philadelphia’s goals to improve air quality, reduce greenhouse gas emissions and protect the health, safety, and welfare of Philadelphia residents.

Blondell Reynolds Brown
November 21, 2019