



PennFuture Submitted Testimony Regarding Senate Environmental Resources & Energy Committee Hearing related to Remediation Efforts Associated with the 2019 Explosion at the Philadelphia Energy Solutions Refining Complex

November 17, 2021

Good morning, Chairman Yaw, Minority Chair Comitta, and Members of the committee. My name is Adam Nagel and I serve as Campaign Manager for PennFuture in the City of Philadelphia.

PennFuture is a statewide environmental advocacy nonprofit. We are leading the transition to a clean energy economy in Pennsylvania and beyond. We are protecting our air, water and land, and empowering citizens to build sustainable communities for future generations.

We thank you for the opportunity to discuss the ongoing remediation efforts at the refining complex formerly owned by Philadelphia Energy Solutions. We believe that this hearing will provide all of us with important information on the status of those efforts since the explosion in 2019, which ultimately led the refining complex to cease its operations. We appreciate the Committee's continuing attention to this matter following its first hearing in 2019.

The former refinery site includes an estimated 1,400 acres and encompasses more space than Center City in Philadelphia. For a time, it served as the largest refinery on the East Coast. But more importantly, it served as a constant source of anguish and anger for the surrounding communities as they suffered the ill effects of living in such proximity to Philadelphia's largest source of pollution and environmental degradation.

In many ways, the fire that caused the refinery site to close served as a moment of hope for residents in South and Southwest Philadelphia. Persistent odors emanating from the site began to disappear. Residents began to envision a future use for the site free of fossil fuels and they hoped for increased collaboration from the new owners, which became Hilco Redevelopment Partners (HRP).

PennFuture supports the efforts of organizations like the United South-Southwest Coalition and their ongoing grassroots efforts to engage with residents and harness their collective power. Considering the important work done by these organizations to elevate community concerns and the testimony from Mr. Rodney Ray of Philly Thrive, I will limit concerns related to the remediation efforts at the refinery complex.

PennFuture shares the concerns raised surrounding the narrow interpretation of public participation requirements established by Act 2. Simply providing notice and a 30-day comment window is not sufficient to adequately engage with the public on a remediation effort of this size and scope. Impacted residents have consistently voiced concerns that information related to the remediation is not presented in a timely manner and is not presented in a clear and concise manner. Both parties have held virtual meetings that are clearly designed to prevent a substantive

dialogue with community members and stakeholders through limiting the spaces to interact and ask questions. While we recognize that this work began under the cloud of the COVID-19 pandemic and the associated restrictions on public gatherings, we join community residents in calling for additional efforts from the parties responsible for remediation: Evergreen Resources Group, LLC (Evergreen), and HRP.

In addition to concerns surrounding public participation, PennFuture has previously written to the Pennsylvania Department of Environmental Protection regarding our concerns surrounding Evergreen's proposed site-specific remedial investigation reports. Specifically, we have suggested that Evergreen update and revise its remedial investigation reports to adequately account for the impacts of climate change on existing soil and water contamination. Our letter reads: "Sea-level rise, storm surges, and the increased frequency and volume of events like superstorms could have major implications on the migration of contaminants in the soil and groundwater."

Philadelphia has already experienced a significant increase in the frequency of extreme weather events like Tropical Storm Isaias and the remnants of Hurricane Ida. The impacts of climate change are here and must be accounted for in Evergreen's remedial investigation reports as the company has admitted that its remediation efforts will take ten to fifteen years to complete.

Ultimately, we cannot discuss the remediation at the former refinery site without also discussing the demolition and redevelopment of the site as they are inextricably linked. The redevelopment of the site is a massive undertaking that will dismantle over 100 buildings, 3,000 tanks, and 950 miles of dirty pipeline. Remediation was immediately limited because the site will be used for industrial purposes, which frees Evergreen and HRP from stricter requirements that would be applicable if an alternative future land use had been identified. A recent [Bloomberg](#) article accidentally identified what could have been possible when describing current conditions at the site: "...Canada geese strut down empty roads and small herds of deer bound past a silent railyard." The possibilities for this site were endless, but remediation efforts will be limited because of the identified future use. This will ultimately limit the environmental and health impacts on residents.

Although we believe that this Committee should further investigate the flaws in Act 2 that have been highlighted so far during the remediation of the former refinery complex, we recognize that this will require further inquiry and additional time. We hope that this Committee will seek to strengthen requirements surrounding public participation and update Act 2 to reflect the impact of climate change on planning for future land use.

Most importantly, we hope that this site serves as a stark reminder of the critical need to rethink planning and development in Philadelphia and Pennsylvania. No longer can we ignore that low-income communities and communities of color have suffered a disproportionate impact from historically racist practices like redlining and short-sighted environmental policies that directly harmed their friends and families.

Environmental justice must be at the heart of our policies related to land use, zoning, and development. Environmental justice must be at the heart of our environmental policies. So, as the

Committee continues to monitor these remediation efforts, we would ask that the Committee take up Senate Bill 189. Introduced by State Senator Vincent Hughes and referred to this Committee in February, Senate Bill 189 would codify and expand the Office of Environmental Justice within the Department of Environmental Protection. This Office will be responsible for advising and making recommendations on integrating environmental justice considerations throughout Commonwealth programs, regulations, policies and procedures and improving the environment and public health in communities disproportionately burdened by environmental harms and risks.

PennFuture strongly supports this legislation and its proposed aims of addressing environmental justice in low-income communities and communities of color, integrating environmental justice throughout the regulatory process, and developing a statewide environmental justice strategy for the Commonwealth.

The remediation efforts at the former refinery complex have further identified the need to review Act 2 and the requirements contained within it. But, this process has also underscored the need to prioritize the health and well-being of people and communities when decisions are being made with regard to land use, zoning, and development. Senate Bill 189 will put Pennsylvania on a path to do this and we hope that this committee will take up the legislation.

Thank you again for this opportunity.