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3 MR. DOUGHERTY: What a beautiful
4 place and a beautiful view of the river.

5 My name is John Dougherty. Mostly
6 you know me in my full-time capacity as a
7 labor leader, but I'm here as head of the
8 Pennsport Civic Association, which is at this
9 point my most favorite job.

10 Just want to let you know, being the
11 President of a community association with so
12 much development, not only in our
13 neighborhoods but on the water front area
14 attached to our neighborhood, has been
15 exciting and a little confusing. So we're
16 here today to talk about the impact that the
17 large box, stadiums, residential, retail,
18 commercial developments along the water front
19 and through our neighborhoods and talk about
20 the impact, you know. And I don't believe
21 that it's a positive impact at this present
22 time.

23 And that's why it's been an honor to
24 work alongside State Representative Keller,
25 also with our other community groups, you

2 know, to the north and the one that we deal on
3 a daily issue is our good friends from the
4 Whitman Civic Association.

5 What I'd like to do for a second is
6 just acknowledge that we do in the room have a
7 Jim Foy, Ed McBride, Jim Penza, Fred Keller
8 and Richie Laser, all from the Whitman Civic
9 Association who is our partner here in
10 sponsoring this. Also Rich Laser is the
11 Administrative Assistant of Councilman Kenny.

12 And also we've had some, just in our
13 own little neighborhood, we transcend so many
14 issues, we've had so many detailed
15 conversations about development that we
16 haven't been able to resolve, you know, within
17 a ten block radius. So when the water front
18 starts to open up and we have things like
19 Senate Bill 862, I know it becomes very
20 confusing.

21 So it's been improved, in depth
22 conversation with our State Representative
23 Bill Keller, and we come up with this idea of
24 about having some sort of symposium that did
25 away with all the superficial approaches that

2 we've taken and get more into what exactly has
3 happened, how can we help the process along,
4 how can we have more detailed neighborhood
5 involvement and how can we ask the difficult
6 questions. Some as simple as a flooded
7 basement to as complicated to a casino or two
8 in anyone's neighborhood.

9 So we're here today with a -- to
10 start off a two-day symposium. The first part
11 of this will talk about transportation this
12 morning. The second part will talk a lot
13 about the water issues and the environmental
14 issues and the one pipe sewer system and
15 things along them lines. Tomorrow we will
16 have a varied agenda which will end up with
17 gaming.

18 So I really appreciate all our
19 neighbors and community activists and friends
20 who have stopped in to join. To my left,
21 State Representative Keller, who has taken a
22 lead of working with his partners in
23 Harrisburg.

24 And to my right, the legendary State
25 Representative Marie Lederer.

2 And also we have John Taylor, who
3 has been an activist as well as a legislative
4 leader for years and this is a bipartisan
5 community symposium. We're lucky enough to
6 have a wide variety of professionals.

7 And again, you know, trying to
8 avoid -- I guess we will have an opening
9 statement from everyone on the podium and then
10 we'll just jump into the meat and potatoes.

11 We're going to open up with the
12 Delaware Valley Regional Planning Manager, Ted
13 Dahlburg, and then we'll move forward.

14 This has, so you know, has nothing
15 to do with politics and everything to do with
16 community. This has nothing to do with the
17 executive order that the Mayor, you know, put
18 forward yesterday. But we're glad to see that
19 there is some, you know, design and ideas
20 about planning on the water front. This is
21 purely a neighborhood driven symposium and
22 we're looking forward to all you're input.

23 State Representative Keller.

24 REPRESENTATIVE KELLER: Thank you,
25 John.

2 Good morning, everyone. Thanks for

3 getting up early on a Saturday morning and
4 being here. We do believe this is important
5 and I know you believe it's important that's
6 why you're here.

7 As John said, we're here to really
8 get answers. There's a lot of questions out
9 there, and to tell you the truth, we have been
10 asking questions and we have been getting
11 probably the same results you have, you know,
12 there's three or four different answers to
13 every question. So as somebody who has been
14 involved with the water front a long time, I
15 have made my living -- and I see Sonny Howlett
16 out there -- I have made my living on the
17 water front for 25 years.

18 It's very important not only to the
19 people who make their living on the water
20 front, but it's a very important economic
21 engine. There's a lot of very important good
22 high paying family sustaining jobs along the
23 water front. There's some studies to say that
24 there are 45,000 direct jobs related to the
25 water front. And multiply that by ancillary

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2 jobs. And this is just on the freight side.

3 And we've lived through, the people

4 who have been making their living on the water
5 front have lived through a cycle where even on
6 both sides of the river at one time there was
7 almost no value to the property along the
8 water front. You could see where New Jersey
9 had put up a prison and in an ideal spot along
10 the water front because there was no other
11 takers, nobody else, there was no other use
12 for that land. Now we're talking about
13 tearing the prison down.

14 You see where we put -- and I
15 thought at the time was probably the best
16 use -- big box retailers along, right on the
17 river. That's no longer the case, as you can
18 see.

19 I guess Representative Lederer will
20 tell you that, I think there's over 3,000 new
21 condo units being developed just in her
22 district alone along the water front. And I
23 am one who believes that if we sit down and do
24 this the right way we will absolutely be able
25 to have new residential buildings along the

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2 water front. We need residential buildings.
3 You always want to increase your population.
4 You want to have good people in, living in the

5 city and that's how you can, you know, that's
6 how you continue tax base.

7 So I absolutely believe there's room
8 for residential, there's room for commercial,
9 no matter what that is, but we also have to
10 make room for the industrial water front that,
11 as we said, makes, you know, there's 45,000
12 direct jobs and we need to keep that as an
13 economic engine in this city. There's no
14 reason to throw away any of those three
15 pieces.

16 But I have -- you know, I have a
17 feeling, and I think I have been watching it
18 happen, where if we don't do this the right
19 way we will force a round peg in a square
20 hole. And to me, the way the water front is
21 being developed now, that is what's happening.
22 People are just rushing. It's valuable land,
23 it's a valuable resource. And now it's like,
24 I guess, the Forty-Niners' Gold Rush,
25 everybody is rushing down there and staking a

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2 claim. And I think it's our job as community
3 leaders, as political leaders, to just say,
4 Sit back, Everybody take your time, Everybody
5 will be taken care of.

6 But we only get one shot at doing
7 this. This is one shot. And we got to do
8 this the right way. And I think today is the
9 first step in making sure we are going to do
10 this the right way.

11 I would like to hand it to John
12 Taylor.

13 REPRESENTATIVE TAYLOR: Thank you,
14 Bill.

15 I'm Representative John Taylor. And
16 along with Representative Keller and
17 Representative Lederer I share, at least from
18 the state point of view, the Delaware River
19 up, I guess from Cumberland Street to Bridge
20 Street.

21 And if you noticed on your way in
22 the sign about the symposium uses the word
23 2015. And I think that's very important in
24 that, well, while there's no doubt that our
25 immediate concerns are gaming and how it's

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2 going to effect us, I think we really do need
3 to look at it long term.

4 When I was asked to participate the
5 first thing I said to Bill Keller was that
6 hopefully we will also include that land north

7 of the proposed gaming sites because there's
8 some very important and controversial things
9 going on there with development of one
10 project, 800 brand new houses along the river
11 in Bridesburg, trails, many retail and
12 residential proposals that people aren't
13 talking about it in this end of town.

14 So what this does for us, at least
15 for me this weekend, it's very difficult to
16 get the kind of people that we have scheduled
17 here in one room at one time. But this -- you
18 know, the reason we're doing it on a weekend
19 because when everybody's schedule starts
20 getting rolling it's hard to coordinate that
21 kind of thing, and we have a great opportunity
22 to hear firsthand. Hopefully, all the folks
23 that spent a lot of time giving out
24 information in the past three months would
25 fill these seats and hear from the very people

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2 who are charged with the responsibility of
3 knowing what they know. So we're looking
4 forward to hearing all the testifiers and
5 getting your input as well.

6 This is Rich Levins from the New
7 Kensington Community Development Corporation.

8 MR. LEVINS: Good morning, everyone.
9 As John said, I'm Rich Levins, I'm
10 the President and Chairman of the Board of New
11 Kensington Community Development Corporation.
12 I'm a resident of Fishtown for the last 25
13 years and a lifelong resident of Philadelphia.
14 And I share this distinguished panel's passion
15 for the water front and the city in general.
16 New Kensington very briefly
17 represents Port Richmond, parts of Port
18 Richmond, Kensington and the Fishtown area.
19 We do housing development zoning issues, we
20 clean brown fields, we clean lots, we maintain
21 lots and we build houses.
22 Just very briefly, as Representative
23 Keller said, we have one shot at the water
24 front. And I think we really need to, you
25 know, draw on the vision of the past leaders

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2 in Philadelphia like Ed Bacon who was
3 responsible for the Renaissance of Old City
4 and those other great leaders who were
5 responsible for the development of Kelly
6 Drive, the Schuylkill River water front and
7 the Parkway.
8 I think there can be uses that are

9 both residential, recreational and commercial
10 in the water front and I think that we need to
11 do it right. So I hope you enjoy the
12 conference. Thank you.

13 I'm going to pass this on to Matt
14 Ruben who is with the Northern Liberties Civic
15 Association.

16 MR. RUBEN: Hi, my name is Matt
17 Ruben, I'm on the Board of Directors of the
18 Northern Liberties Neighborhood Association, a
19 community of approximately 5,000 people. I
20 have lived in Philadelphia for 14 years, which
21 makes me a newcomer, I know. Another 50 years
22 I will be considered a native.

23 The Northern Liberties Neighborhood
24 Association has been concerned about planning
25 and river front planning for quite some time.

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2 We actually conducted and completed our own
3 neighborhood plan in 2005 because no one else
4 was going to do it because we had a city which
5 had abdicated its planning role.

6 And we have also now embarked upon
7 an addendum to our neighborhood plan, which is
8 for a section of the Delaware River Front that
9 includes our neighborhood in some areas

10 immediately adjacent to the north and south.
11 And we look forward to being a part moving
12 forward with any comprehensive planning on the
13 river front which is sorely needed and very
14 much overdue.

15 And I have just three very brief
16 comments about what I think is important about
17 the river front planning process.

18 Number one, as was said a few
19 moments ago, and I think it is very important,
20 Philadelphia has always been whatever else
21 it's been, a working city. And the Northern
22 Liberties Neighborhood Plan, which includes
23 the water front, but also includes the whole
24 neighborhood, emphasizes the need to retain
25 and maintain whenever possible industrial uses

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2 which are compatible with the mixed use
3 character of the neighborhood.

4 And I think that principle should
5 carry over to the river front, which is to say
6 that we should not have a river front simply
7 of retail uses and residential uses. We
8 should maintain manufacturing uses where
9 appropriate and we should even maintain light
10 industrial and artisanal uses mixed in with

11 residential and commercial uses. I think that
12 does justice to the heritage of our city and
13 obviously it's incredibly important in
14 creating and preserving jobs and maintaining
15 the urban fabric that we love about
16 Philadelphia.

17 Secondly, I think greening of the
18 water front is crucial and important. And all
19 too often environmental concerns get treated
20 as a kind of extra boutique concern that
21 aren't really important to the core of what we
22 need. And that's not true. There is precious
23 little land left on the Delaware River Front
24 that you can see when you're not on the river
25 front and that you can get to and that you can

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2 actually do something useful once you get
3 there. There are piers going out into the
4 river that need to be claimed and preserved
5 for the public as green park areas for public
6 recreation and for public use for enjoyment
7 and for health and for the use and
8 preservation of true public access which is
9 fast disappearing on the river front.

10 This also includes the need to have
11 greenways and mass transit pathways so that

12 people can get up and down the river and from
13 the neighborhoods to the river front. The
14 idea that the river belongs to all of us and
15 that we all have to have guaranteed access is
16 an idea that has atrophied in recent years and
17 we need to be very strong and stand up for
18 that.

19 And any river front plans has to get
20 down to specifics. In other words, where
21 exactly do we propose to put public access and
22 create public spaces? There has to be some
23 point in our river front planning discussions
24 where we sit down to the nuts and bolts and
25 say, This is going to go here and that's going

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2 to go there, and we don't want this here, we
3 want it over there. And that's key or else
4 we're never going to have public access if we
5 keep articulating it as a vague principle and
6 don't actually start targeting areas of the
7 river front where we want to preserve that
8 public access.

9 Finally, the most important thing is
10 we need a true public and community process.
11 We certainly need to do river front planning
12 right, but we need to do it. And we've tried

13 to do it right for many, many years and we
14 haven't actually done it. There needs to be a
15 process where communities and community
16 organizations have integral input into the
17 nuts and bolts of planning. And I'm
18 encouraged by some recent developments that
19 indicate that there might actually be such an
20 advisory process for river front planning
21 going forward.

22 And there has to be a committment
23 among elected officals at all levels of
24 government to actually implement this thing.
25 And that includes, as I mentioned before,

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2 considering things like getting state riparian
3 rights for certain piers given to the city so
4 the city can make public land for the public.
5 So we need a real political commitment and we
6 need the political will to include the public
7 and to actually make this stuff happen.

8 So to me those are the three things
9 that we need, we need to preserve the mixed
10 character of the uses in the city, we need to
11 green the river front and provide true green
12 public access. And we need to have a public
13 process that includes true accountability and

14 a concrete commitment of elected officials to
15 get this done with public input.

16 As a final note I would just say
17 that I think we have great models for how to
18 do this. And we also have city chartered
19 non-profit organizations that are great models
20 for how not to do water front planning and we
21 need to move away from that model and towards
22 a more open and accountable process. Thank
23 you.

24 MR. DOUGHERTY: I'd like to welcome
25 and thank Matt for his comments and Richie for

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2 his comments.

3 Marie Lederer.

4 REPRESENTATIVE LEDERER: I'm the
5 State Representative for this district. I
6 live on Shackamaxon Street, one block off the
7 river, one of the proposed sites. I have
8 lived there for 50 years. I've seen it change
9 in a way that could be better, but could be
10 worse.

11 My concern, one of the concerns I
12 have, is the fact that 3,000 new condos will
13 be built within a mile and-a-half along the
14 river. And true, the developers guarantee and

15 the ordinance guarantees that they will have
16 their own indoor on-site parking. But where
17 are these cars going to drive?

18 Add 3,000 condos -- you can't hear?

19 Add the 3,000 condos to the casino
20 traffic and the buses and I really wonder what
21 kind of planning we have so that the traffic
22 doesn't overtake the neighborhoods.

23 There never has been a plan for the
24 water front, a complete plan. I hope that
25 this results in one.

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2 The eleven mega nightclubs that we
3 had in a mile and-a-half radius on Delaware
4 Avenue created havoc as far as traffic was
5 concerned. Ambulances couldn't get through,
6 fire engines couldn't get through, it was
7 really a complete nightmare. I don't want to
8 see that happen again.

9 I don't know whether there's any
10 plan to remove the beautiful strip that's in
11 the middle of Delaware Avenue in order to make
12 more traffic lanes, but certainly PennDot will
13 speak to us and perhaps they have a plan.

14 I know that there's talk about
15 removing the 43 bus, which is one of the only

16 sources of public transportation on Delaware
17 Avenue and Columbus Boulevard. Penn Treaty
18 Park Place, where my office is presently, has
19 500 employees in that building. The bus
20 service would be cut. These are the things
21 that we have to settle before any definite
22 plan goes into operation.

23 I'm thrilled that this symposium is
24 happening because we need help. We need help
25 in planning this properly. Thank you so much.

19

2 MR. DOUGHERTY: Thank you, Marie.

3 Also with us, joining us, is Rene
4 Goodwin, who is the Riverfront Community
5 United spokesperson and president.

6 MS. GOODWIN: My name is Rene
7 Goodwin. I'm a lifelong member of Pennsport
8 before it was Pennsport. I have been serving
9 as the Chair of Riverfront Communities United,
10 although I am not here representing that
11 particular group today. I'm not even here
12 representing Pennsport because our President,
13 Mr. Dougherty, can adequately do that, I'm
14 sure.

15 Who am I representing? Well, my
16 grandparents got off the boat a long time ago

17 from Poland, thought it was California, it
18 wasn't. They were Polish, you know. I can
19 say that, I'm both blonde and Polish. They
20 lived in a house on Ellsworth Street all of
21 their lives here in this country. They bore
22 their children, they gave birth to their
23 children in that house, they raised them in
24 that house. My grandfather walked to his job
25 up in Kensington at a metal manufacturing

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2 company every day until the day he took a
3 stroke. My grandmother devoted her life to
4 raising her family in that community.

5 But you know what, they weren't
6 really unique because around the turn of the
7 century, in particular, there were thousands
8 of families who came from Ireland and Poland
9 and Russia, Ukrainia and settled all along the
10 communities around the river front. Maybe I'm
11 representing them.

12 I've always thought of the water
13 front and the people who live in the water
14 front as ethnically diverse, culturally rich
15 and financially very resourceful and
16 resilient. If you look at the history of the
17 water front, the water front has always been

18 at the heart of the economic life of this
19 entire region, not just this city. It
20 continues to do that. It goes through
21 metamorphose after metamorphose. It
22 transforms itself from a manufacturing
23 community to a high-end residential community
24 to a service community, but it lives, it
25 survives.

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2 There's enough creativity in this
3 room alone to come up with a cornucopia of
4 creative ideas on how best to save and develop
5 the water front. My concern is where do we
6 find the resources? That's my particular
7 interest. Can we come up with enough of the
8 funds required from our own pockets as
9 taxpayers? How do we find inducements and
10 enticements and requirements should that be
11 necessary from the private sector, from the
12 developers, even from the private sector who
13 is not developing along the water front.

14 The water front is the jewel of this
15 city. We all have a responsibility, even
16 those with very deep pockets. To see that it
17 is accessible and treasured as it is. Thank
18 you.

19 MR. DOUGHERTY: Thank you, Rene.

20 What I'd like to do is, we'll move
21 right into the Delaware Valley Regional
22 Planning Manager, Ted Dahlberg.

23 And if you don't mind, I'll ask you
24 a question myself to start off.

25 In the Pennsport community, the Reed

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2 Street/Washington Avenue exit, all four
3 casinos who are looking to put their business
4 on the water front are looking at that area as
5 their main point of access and egress. When
6 we look at the transportation improvement
7 plan, be it the 12-year or the 30-year plan,
8 there's absolutely no mention of doing
9 anything with the Reed Street or Washington
10 Avenue off-ramp.

11 Things like that are very concerning
12 to the community. You know, if we were to
13 leave here today and try to get down Delaware
14 Avenue toward the Ikea site it would take you
15 every bit of 45 minutes. So when you take a
16 look at the possibility of that being, again,
17 the main point of access and it's not, you
18 know, it hasn't been in any of the
19 transportation improvement plan forecasts,

20 that concerns the community, it concerns
21 ourself.

22 And they're the type of questions
23 that we, as a community, have been dealing
24 with and trying to get answers for. So I
25 really appreciate you taking the time to come

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2 out.

3 And what we'll do is, we'll probably
4 direct the questions directly to Ted. You
5 don't have to go through, you know, the Chair
6 here, you know. But if it gets out of hand
7 I'll interject.

8 But that's the type of, you know,
9 quality question that we get from Joe
10 Neighbor.

11 MR. DAHLBERG: Thank you very much.

12 I do have a Power Point presentation
13 that I'd like to kind of segway into and I
14 hope I respond to your remark and question in
15 that context.

16 Can we pull this over a little bit?

17 Okay. I'm a transportation planner,
18 when I talk I like to have slides and Power
19 Point presentations. So I have about 24
20 slides here, some maps and photographs that I

21 hope will tell you a little bit about our
22 agency and some of the work that I'm doing.

23 Making the Delaware Valley a Great
24 Region to Live and Work In.

25 And I think that's why we're all

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2 here. That's certainly what our agency is all
3 about and certainly the Delaware River is a
4 primary asset to making that happen.

5 Okay. Can everybody hear me?

6 So my talking points today will be
7 to tell you a little bit about our agency,
8 also some of my current research.

9 Mr. Dougherty was kind enough to
10 promote me to Manager of the Delaware Valley
11 Regional Planning Commission, but in reality
12 I'm the Manager of Freight Planning so that's
13 principally what I'm going to talk about
14 today. We've done some current work in this
15 area. And also like to talk to you a little
16 bit about our long range plans and some other
17 initiatives going on that impact the water
18 front.

19 Here is a key term for you, MPO,
20 Metropolitan Planning Organization. Each
21 region in the United States over 50,000 people

22 has an officially designated MPO. And we
23 serve that function for the nine county
24 Delaware Valley Region. We're the sixth
25 largest region in the country. We work very

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2 closely with the two states, PennDOT, New
3 Jersey DOT. We work very closely with the
4 transit agencies, SEPTA and New Jersey
5 Transit. And we also work very closely with
6 our cities and our municipalities. We have
7 close to 352 municipalities.

8 Our role and vision I think is to
9 kind of provide the big picture for things
10 going on in the region. But we're also very
11 concerned with kind of what's happening down
12 at the local level as well. So we straddle
13 those two objectives.

14 We're an agency of about 100 people.
15 We deal with all kinds of transportation
16 issues, aviation, public transportation, and
17 in my case, freight movement. That's become
18 something about 15 years ago the federal law,
19 ICE-T, directed the MPOs and state DOTs to get
20 more proactive in the freight area.

21 And there's a couple reasons you
22 want to do that. One is that as we shift from

23 essentially a manufacturing economy to a
24 consumer economy the sheer volume and movement
25 of freight is rapidly growing. Some of the

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2 experts at the national level are predicting
3 and projecting a movement of a doubling of
4 cargo by the year 2020 to satisfy our
5 seemingly insatiable consumer needs.

6 Another aspect, as several of the
7 panelists alluded to, including Representative
8 Keller, is the economic impact and the
9 benefits that can be derived, whether it's at
10 a port facility, or some of the value added
11 activities that take place in the region like
12 at a refinery, those create really important
13 family level kinds of jobs. So that's really
14 important.

15 The other thing is that, as
16 consumers, something like the waterway and
17 cargo that's arriving here, whether it's
18 bananas or oil, helps keep our costs down of
19 goods that we're consuming here, they can get
20 here cheaper. So that's really important.

21 One of the things that is important
22 in my job and that I have to undertake is to
23 educate people about freight and maybe get

24 them excited about it and feel good about it.

25 So one of the things we undertook recently was

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2 a regional scan, a snapshot, a day in the
3 life, if you will, of freight movement in the
4 Delaware Valley.

5 The event was actually conducted on
6 Wednesday, September the 20th. And I proved
7 to myself that I can still pull an
8 all-nighter. I was up the entire day. We
9 undertook a number of activities. For
10 example, we inventoried every truck rest
11 facility in the Delaware Valley to see what
12 the utilization rate was for truck parking.
13 And that's both the New Jersey side and the
14 Pennsylvania side at truck rest facilities as
15 well as service plazas on the turnpike.

16 A couple months back down in the
17 South Philadelphia area there was a facility
18 there, the Walt Whitman Truck Plaza, it
19 closed. That means that now the Philadelphia
20 Southeastern Pennsylvania region has no
21 privately operated truck rest facility. And
22 when you consider all the trucks and, you
23 know, the deliveries that they're making, that
24 seems like a real gap in the system. So that

25 was one thing that we looked at.

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2 We also worked with PennDOT. We
3 took traffic counts of trucks on the major
4 highways. We also got data from truck
5 activity on the bridges and the turnpikes. We
6 were down at the airport surveying aviation
7 cargo. And we also worked very closely with
8 the local maritime community to see, hey,
9 what's happening on the river.

10 Let's take a look, September the
11 20th.

12 Here's an image provided by the
13 maritime exchange of all the barges and ships
14 that were on the river at 8 o'clock in the
15 morning that morning. So it's not just ships,
16 it's also the barges. And you can see --
17 first of all, you'll note, kind of maybe
18 different from some other ports, if you will,
19 we're a linear port, we're 90 miles up the
20 river. And there are facilities located from
21 Bucks County at the old Fairless steel
22 facility, all the way down to the State of
23 Delaware and so on. So there's a lot of
24 commercial activity, I think as this graphic
25 very clearly shows you.

2 You will note on it there are a
3 couple of clusters of activity. For example,
4 the refineries down in the Paulsboro and
5 Delaware County area. You also see that there
6 are even a number of barges on the Schuylkill
7 River, you know, Philadelphia's other water
8 front area.

9 Lastly, you will see that there are
10 a number of ships located between the bridges
11 here. And this has certainly become, from the
12 Walt Whitman to the Ben Franklin and also
13 Packer Avenue Marine Terminal, this is really
14 where the bulk of the general cargo activities
15 is occurring.

16 I checked and did a little research
17 on the nature of these ships and we determined
18 that that day some of the ships were coming
19 from Brazil, Nigeria, China and Germany. And
20 what are they carrying? Fruit, steel, oil and
21 containers. So it's a quite a variety, quite
22 a lot of activity.

23 I also got some reports in terms of
24 enforcement from the Coast Guard and also the
25 U.S. Customs. That's a very big aspect of

2 controlling and monitoring this commercial
3 activity.

4 So this is, you know, this took
5 place roughly a month ago, we're still going
6 through the results, but that was the maritime
7 side, very active that day and also very
8 representative. And I'm told from the
9 Maritime Exchange that this year we have a
10 total volume on the river, including Delaware,
11 of an increase of over 100 ships over this
12 point last year. So there's more ships
13 coming.

14 The other aspect is this --
15 important for us at the Planning Commission,
16 and thinking about communities, you've seen a
17 lot about deepening the river and the main
18 channel, that's certainly to accommodate
19 bigger ships. Bigger ships also means that
20 there's a need for increased capacity on the
21 land side because you have these bigger ships
22 coming in, maybe more containers, more cargo,
23 they're going to be pushing out a lot more
24 into the local community upon their arrival.

25 So, for example, container ships,

2 some of them they carry up to, say 3,000
3 containers. Other ports, we may never see
4 these, but other ports may be hosting ships of
5 like eight and 9,000 containers at a time. So
6 that puts a lot of pressure on your highway
7 and your railroad access.

8 Something else that we did that day,
9 kind of building on my previous comment, was
10 to, on September 20th we had about 50 planners
11 out looking at facilities and rail and port
12 facilities to -- and I'll show you some
13 pictures of what was the trucking activity
14 like on these short connector routes that get
15 the commercial vehicles from the interstate
16 into the port or the rail facility. That's
17 really where the trucks kind of meet the
18 community, if you will.

19 We have an example here where 95 is
20 largely a bridge. When you get off of it,
21 suddenly you're down into the community, we
22 have, we have ten facilities, about 29 miles,
23 I think it's actually our inventory has
24 increased to 29 miles, of connectors carrying
25 over 100 trucks a day to these intermodal

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2 facilities. And they've been granted a

3 special status in our planning process in that
4 they're eligible for National Highway System
5 funding. That's one of the funding pots that
6 we administer.

7 Two of the facilities I'm showing
8 you here most germane to Philadelphia, Packer
9 Avenue Marine Terminal and South Philadelphia.
10 The NHS connector, again, that last mile, that
11 last critical link between the modes is
12 essentially in this area designated as Old
13 Delaware Avenue extending from Piers 82-84
14 south to the south gate of Packer Avenue
15 Marine Terminal. I don't know if you can see
16 the yellow line, that's basically the
17 connector.

18 So without a doubt, the epicenter of
19 freight movement for our region is South
20 Philadelphia. We have the biggest facilities
21 there for handling cargo. All three Class 1
22 railroads serve South Philadelphia. As a
23 matter of fact, Norfolk Southern has just
24 built a brand new intermodal rail facility
25 there. CSX has a very large and modern yard

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2 there. And also the Canadian Pacific serves
3 that area. That's the epicenter. That's

4 where it's happening in terms of freight, both
5 on the port and the rail side. And really
6 good highway access too, 76 and 95.

7 The other port we were interested in
8 in Philadelphia is the Tioga Marine Terminal
9 in North Philadelphia. And I heard some
10 representatives from that area. And that
11 connector there is a little bit complex
12 because of the configuration of the ramps at
13 Allegheny Avenue, the northbound to the 95 is
14 actually achieved by Castor Avenue.

15 So with our critical eye and trying
16 to assure, I guess seamless is the operative
17 word, interphase and connections between the
18 modes, there were maybe ten or so items that
19 we were looking for to facilitate the movement
20 and connections between the modes.

21 One of them would be overhead bridge
22 clearances. And I apologize for the darkness
23 of the picture, but I think you get a sense
24 there. This is actually Penn Terminals in
25 Delaware County. You can get a sense that

34

2 there are restrictions on occasion for pushing
3 cargo through these connector highways. This
4 is an overhead railroad bridge that would

5 preclude really any kind of general cargo or
6 any kind of large cargo from going into and
7 out of this port.

8 Here's another aspect, another
9 aspect of the design and location of facility
10 gates. That's really important. The facility
11 gates, where they are located, actually has
12 ultimately an impact on traffic into and out
13 of the facility. You can see the trucks here
14 are starting to kind of back up onto the local
15 highway here.

16 Again, as I mentioned, the trucks
17 coming through the local neighborhoods as they
18 make their way from the interstate highway to
19 the intermodal facility. The trucks are
20 heavy, 80,000 pounds and even heavier. In
21 some cases in international cargo you get
22 volumes and tonnage that even exceeds that
23 limit. This is a pretty good example actually
24 over in the Camden area of some pavement that
25 needs attention.

35

2 So again, the idea is to highlight
3 some of these things in our planning process.
4 These are things that show some sensitivities
5 and sensibilities regarding freight movement

6 which has its own needs, if you will. There's
7 kind of a popular phrase that says that
8 freight doesn't vote, but we're trying to
9 assure that some of these things are
10 represented in the planning process.

11 Rail access. Again, another aspect,
12 this is Pier 82-84, not too far from here, but
13 one of the largest cocoa bean facilities in
14 the country where the Hershey's Chocolate
15 receives their cocoa beans from as it comes
16 from Africa. So the assuring good rail access
17 as an alternative, perhaps, to trucking is
18 really important.

19 Highway rail interphase. It's a
20 little difficult to see, but there's a rail
21 spur, this is down in South Philadelphia,
22 there's a rail spur here that cuts across the
23 main access point of Packer Avenue Marine
24 Terminal at Packer Avenue and it serves the
25 old Publicker facility just north of the Walt

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2 Whitman Bridge. What happens is, or can
3 happen is, there's a train sliding through
4 this area here it can really cause the truck
5 traffic to back up rapidly and the trains sit
6 there for some amount of time.

7 The geometry of highway ramps. I'll
8 show you in this slide and another one that
9 commercial vehicles and big trucks have
10 special needs in terms of turning radii. And
11 here's an example here where this truck is all
12 the way into the opposing lane of traffic
13 trying to make a right-hand turn, just truly
14 inadequate.

15 Good signs, good directional signs
16 to and from. This is at the Tioga Marine
17 Terminal. For the drivers it's really
18 important to have good signage both to the
19 facility and at the facility gate and also
20 back to the facility as well. That's really
21 important. We try to emphasize that.

22 In some cases there's some conflicts
23 posed by on street parking. Here's
24 Columbus -- or Old Delaware Avenue again which
25 runs parallel to Columbus Boulevard. There's

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2 so much, so much truck parking and other
3 vehicles here that it makes it kind of a
4 conflict for the vehicles that are operating
5 through here.

6 And you wouldn't want to be that car
7 sitting there as that truck makes the turn

8 there. That's actually Petty's Island over in
9 New Jersey. You can see this, they pulled the
10 stop bar pretty far back so that the truck can
11 make the turn there.

12 I guess now, so enough about freight
13 for a day and also our inventory of NHS
14 connectors. Here is something else we at MPO,
15 one of the things we have to do is prepare a
16 long range plan by law. And we have a plan
17 that's been prepared out to the year 2030,
18 actually.

19 Our theoretical construct, if you
20 will, for freight movement is to emphasize two
21 major axes of facilities, one is the
22 north-south corridor and one is an east-west
23 corridor. In the north-south corridor, just
24 like the east-west one, it's very multi-modal.
25 It includes the Delaware River, it includes

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2 I-95, it includes 295, it also includes the
3 CSX main line that comes kind of parallel as
4 I-95 through the city and Bucks County and
5 Delaware County. And the idea is to focus on
6 these facilities and make sure that they are
7 well suited to accommodate truck and rail and
8 ship activity.

9 The best initiatives in the country
10 have really had this corridor focus when it
11 comes to freight planning. And I think that,
12 here you can see some of these things, the
13 main idea is to improve safety, velocity,
14 reliability, costs, and also mitigate any
15 local impacts for those facilities.

16 There's some cases, for example,
17 where they've instituted what are called
18 idle-free corridors where they try to provide
19 truck rest facilities that have anti-idling
20 equipment so trucks can turn off their engines
21 while the drivers are sleeping. So
22 emphasizing those corridors I think is a
23 really important approach for us as we move
24 forward.

25 Wow, that's really tough to see.

39

2 But one of the things that we did do in the
3 plan, in our long range plan, and I can get
4 you copies or if anyone's interested, is that
5 we met with various people from the port and
6 so on, especially the port. And we're showing
7 here the locations where we envision major
8 port and rail capacity increases.

9 And some of them are kind of within

10 this area. For example, South Port down at
11 the Packer Avenue Marine Terminal, is a plan
12 that would marginalize Piers 122 and 124 at
13 the eastern end of the Navy Base and greatly
14 enhance the port activity down in that
15 location. The Port PRPA -- this is
16 coordinating with PRPA, the South Jersey Port
17 Corporation and others. There are even some
18 private facilities on here as well.

19 And I guess one -- another slide
20 that I wanted to show you is that freight kind
21 of by its nature is very multi-jurisdictional
22 and tends to kind of take us outside of our
23 own region. And here there are a number of
24 actual maritime initiatives going on right now
25 that may bring more freight to the region.

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2 One of them is called Rapid or Agile
3 Port. This has to do with the transport of
4 military cargo, Philadelphia is one of, I
5 think, 14 now strategic military ports in the
6 United States. So that's a new commodity
7 within the past couple years that is flowing
8 in and out of the region. The Department of
9 Defense is actually, I think, the largest
10 shipper in the world. And so some of that

11 cargo is being handled here.

12 I think that's the main point I want
13 to make about this slide.

14 So just try to give you an overview
15 of some things we're doing at the regional
16 level with respect to freight.

17 I don't know if I answer any
18 questions now?

19 MR. DOUGHERTY: Yeah.

20 MS. GOODWIN: May I?

21 MR. DOUGHERTY: Yes.

22 MS. GOODWIN: Thank you,
23 Mr. Dahlburg. I have two questions, please.
24 There seems to be, based on what you're
25 hearing, and I'm very pleased to hear, plans

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2 to continue to enhance freight activity along
3 the port. As you know, there are four casino
4 sites that are proposed for along this same
5 area. We know two sites are going to happen,
6 whether they're both going to be along the
7 water front, we don't know. I'm particularly
8 concerned with Foxwoods, but also as a
9 resident of Philadelphia I'm concerned with
10 all.

11 What sort of impact -- how do you

12 see the huge amount of traffic, for example,
13 Foxwoods is proposing that by three years
14 after opening they will be servicing 600 to
15 900 or so -- 9 million people. I mean, that's
16 a lot of vehicular traffic. You've already
17 indicated that there's a really close tie
18 between the train service, the rail service
19 and the ships, you know. So I'm interested to
20 know how you anticipate those two activities
21 co-existing together?

22 Secondly, there's the whole question
23 of the rail line in the middle of Columbus
24 Boulevard which I understand is controlled and
25 owned by CSX, with whom would a casino

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2 applicant have to negotiate to assume those
3 rights or to take over some of those rights?

4 And lastly, I know this week that
5 the President signed into legislation a port
6 security bill, how do you see that impacting
7 the port activity?

8 MR. DAHLBERG: Okay. Wow, there's
9 some good questions there. Let's see.

10 With respect to the first question,
11 there was a reference made earlier about the
12 co-existence, I think, of many different uses

13 on the water front. And that's certainly
14 something we would support.

15 It appears that a lot of the
16 maritime activity along the river seems to be
17 kind of creeping slowly to the south. Just as
18 a, maybe from my regional perspective. The
19 South Jersey Port Corporation is opening up a
20 new facility at Paulsboro. I mentioned the
21 South Port facility at the Packer Avenue
22 Marine Terminal.

23 Our hope would be that through the,
24 through effective connectors and kind of
25 promoting maybe more of a carrot approach, if

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2 you will, with good interstates and good
3 connectors that maybe there would be kind of a
4 separation, if you will, of the traffic
5 relative to those different kinds of
6 activities.

7 The second question?

8 MS. GOODWIN: CSX controlling those.
9 Because Foxwoods, for example, if Foxwoods
10 were to be the approved applicant, in
11 accordance with their mitigation plans for
12 traffic control they have not taken any
13 consideration, at least to my knowledge, into

14 account for the control of that middle line.
15 That is recessed. The CSX line there is not
16 on a level plane. You can't build roads that
17 way.

18 MR. DAHLBERG: CSX does have a
19 really active representative here in
20 Philadelphia. Perhaps we can engage him in
21 some conversation.

22 One of the things I know in selling
23 the region to other economic activity and
24 ports around the world is we do try to
25 emphasize the three Class 1 rail access that

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2 come in here. These are the main rail,
3 interstate railroads that serve the port. So
4 let's see if we can work together more closely
5 with CSX.

6 With respect to port security,
7 that's not really an area that I do that much
8 in, so.

9 MS. GOODWIN: Thank you.

10 MR. DOUGHERTY: State Representative
11 Keller.

12 REPRESENTATIVE KELLER: Ted, thank
13 you. As you know, I'm very interested in the
14 freight movement, especially along the water

15 front. I believe that creates the kind of
16 jobs we're after. And I believe that it's a
17 mandate from the Federal government to try to
18 create as many jobs as we can from that.

19 You have touched on South Port.
20 What's the MPO's role in helping to develop
21 South Port?

22 MR. DAHLBERG: I would say South
23 Port, again, is this bold new initiative for
24 the southern end of Packer Avenue Marine
25 Terminal. I would say that our role is to

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2 kind of put it on a map, as we've done here.
3 I would say to a lot of you that a lot of
4 other MPOs probably do not even have port
5 facilities show up in their plan, just to kind
6 of get it into people's thinking.

7 The other thing that we're working
8 on is improving highway access, working with
9 PennDot and the City of Philadelphia, to
10 extend Old Delaware Avenue down there and pull
11 away some of that traffic maybe from Broad
12 Street so there's good access at the eastern
13 end.

14 REPRESENTATIVE KELLER: Thank you.
15 Because that's exactly where I was going. We

16 believe involved in port industrial side of
17 this equation that, as you say, the increase
18 in freight will be at least seven percent a
19 year for the next 15 to 20 years. We're going
20 to double the freight coming into -- in ports
21 into the United States. And there's no way
22 around it. We're going to continue to buy and
23 we're going to continue to need this imports.

24 All indications I have that New York
25 is now what you talked about, land locked.

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2 They have no -- in their port they have no
3 more room to build out, they're land locked,
4 they can't expand their port facilities any
5 more than they are. And that's the number one
6 port on the East Coast.

7 That gives Philadelphia an
8 opportunity that we have been waiting 100
9 years to get. We will be able to capture the
10 freight that cannot go into New York. It has
11 to come somewhere. We're ideally located, but
12 probably better than New York. You can bring
13 a ship into New York and deliver your
14 container faster even to New York than they
15 can if it lands in New York. We're able to
16 get the freight out quicker onto the highways

17 into New York faster than they can get it out
18 of their own port into the facilities. So
19 we're ideally situated.

20 And I'm very interested in South
21 Port. I believe that's where we capture that
22 freight. And that's a lot of jobs. And
23 that's a lot of good jobs.

24 But as you say, you're talking about
25 improving the access. I just looked at the

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2 PennDot plan for that road that was -- that
3 South whatever it's called, South Delaware
4 Avenue. I believe that cuts our facility in
5 half. It will no longer -- we will no longer
6 have the ability to expand our port.

7 All the land that's been laying down
8 there nobody's wanted all those years, where
9 we'll be able to expand South Port and get
10 this industrial work in here. You guys are
11 going to put a road right down the middle of
12 it and we're not going to be able to expand.
13 It's just mind boggling. I mean, how come
14 that was never taken into consideration when
15 you planned the road that we need to expand
16 South Port, we need to capture this new cargo
17 and, by the way, we are going to put a road

18 down there where we can't capture it now. It
19 doesn't make sense to me.

20 That's one of the questions we need
21 to answer today. And that's why we're talking
22 about having this. We've never been able to
23 get these answers. And that road just
24 appeared with no, no future idea of -- I mean,
25 everybody is talking about South Port, yeah,

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2 we're going to get South Port. But at the
3 same time you're talking about building South
4 Port and you're talking about building a road
5 that kills it. I don't understand it.

6 So that's why we're having this
7 symposium and one of questions I would like
8 the answer to today.

9 MR. DAHLBERG: On the positive side,
10 I wanted to --

11 REPRESENTATIVE KELLER: Hubbida,
12 Hubbida.

13 MR. DAHLBERG: I think Mr. Keller
14 was talking about the, some of the positive
15 benefits of freight. One statistic I heard at
16 one point is that every container that enters
17 the region, somewhat like a hotel visitor, if
18 you will, generates a thousand dollars or more

19 in wages, local taxes and corporate benefits.

20 So it's just one way to think about the

21 benefits of a container.

22 Another aspect like the South Port

23 idea that's kind of in the vanguard of freight

24 planning has to do with freight villages. And

25 the idea behind that is to derive some value

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2 added and provide value added activity for

3 some of the cargo, whether it's debugging

4 cocoa beans or some other aspect, the idea is

5 to take the freight and perhaps do something

6 with it before it gets shipped out of the

7 region, and that creates additional

8 employment.

9 Are one of you folks going to

10 deal --

11 REPRESENTATIVE KELLER: I was going

12 to say how about answering the question?

13 MR. DOUGHERTY: What we have here --

14 what we will do is, what we have, Chuck Davies

15 here representing PennDot. So do you want

16 to -- we can make this more of a round table

17 type discussion if you would like to

18 interject, and if there's any questions that

19 transcend both of you, feel free to jump in.

20 Because I'm sitting here looking,
21 I'm looking at some of our friends on the
22 right hand side who are more interested in
23 open air green space and amphitheaters. And
24 we look, some of our other concerns are here
25 about water and sewer. Then I look, some of

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2 our other concerns are talking about the
3 gaming. But there's also a major component of
4 this water front, you know, and neighborhood,
5 a part of this neighborhood that survives on
6 the industrial aspect. And you know, there
7 hasn't been any plan to state who goes where
8 and how do we blend them all together.

9 And these are just some of the
10 demographics now that, you know, State
11 Representative Keller, State Representative
12 Taylor, State Representative Lederer face
13 every day and we're just trying to get out
14 there and get a feel.

15 Why don't you pull that mike a
16 little bit closer.

17 We're going to change the tape here.

18 Okay. Ready? Let's go.

19 We're just going to let Chuck finish
20 answering that question then we're going to go

21 right over to New Kensington.

22 MR. DAVIES: PennDot is involved in
23 the Food Distribution Center project as the
24 Representative said.

25 MR. DOUGHERTY: Just speak louder.

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2 MS. GOODWIN: Little bit slower,
3 just a little slower.

4 MR. DAVIES: You're all going to be
5 disappointed in what I have to say.

6 We are involved in the Food
7 Distribution Center project, of course. There
8 is a temporary and a permanent phase to this.
9 We have been working with the people who are
10 building the new center at -- in their new
11 location. We have been working out the
12 alignment with them. I'm a bit taken aback
13 by, you know, any sentiment that, you know,
14 that somehow this is not going to work for the
15 site. We thought we had every point of view,
16 you know, in the area that had an interest
17 that had come forward, you know.

18 REPRESENTATIVE KELLER: I'm not
19 worried about a point of view. You're traffic
20 people. You tell me how you do another 4,000
21 truck movements over this temporary road,

22 which I believe will be a permanent road, all
23 right. You're getting 4,000 truck movements
24 and we just had the MPO say that rail spur,
25 we're going to have to do something with it.

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2 You're putting 4,000 trucks over six at-grade
3 crossings. And you're saying we're not
4 supposed to say anything about that, that's
5 good? How are we getting ready to capture
6 this new freight when that road goes right
7 down in the middle and we are no longer be
8 able to expand South Port?

9 That's why we're here, to get
10 answers. And I know you're going to tell me
11 you're not going to give me the answer I want.
12 But you're traffic people. How do you do
13 that? How do you build a road that doesn't
14 take care of the problem?

15 MR. DAVIES: Like I said, it's a
16 temporary solution. A bridge of this size --

17 REPRESENTATIVE KELLER: How much
18 does that temporary solution cost?

19 MR. DAVIES: I don't have costs for
20 you, Representative.

21 REPRESENTATIVE KELLER: How much
22 does the road cost?

23 MR. DAVIES: Let me just say this,
24 that the bridge --

25 REPRESENTATIVE KELLER: No, we're

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2 here to get answers, would you please give me
3 an answer?

4 MR. DAVIES: The answer is this, the
5 bridge that goes over the tracks, that goes
6 over the wetlands, that gets you to the
7 location of the new Food Distribution Center
8 is a very complicated thing to build and it's
9 going to take time. It's going to take time
10 to permit, it's going to take time to acquire
11 all the clearances --

12 REPRESENTATIVE KELLER: Is this a
13 new bridge in addition to the temporary road?

14 MR. DAVIES: Yes.

15 REPRESENTATIVE KELLER: How much
16 will the new bridge cost?

17 MR. DAVIES: Estimates vary, it's
18 probably going to be about \$75 million
19 dollars.

20 REPRESENTATIVE KELLER: \$75 million
21 dollars. And that's how far away?

22 MR. DAVIES: If I had to estimate a
23 time here, it's just an estimate, I would say

24 we are at least four years away from
25 construction.

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2 REPRESENTATIVE KELLER: I believe
3 that is not a good use or good solution to
4 what we are trying to capture in the future.
5 I'm for the Food Distribution
6 Center, we want to keep it here in
7 Philadelphia, I don't believe we should build
8 a road that is really -- it will hurt what
9 we're trying to do in the port, it will hurt
10 trying to capture. We just heard the MPO say
11 these at-grade crossings are bad. How do we
12 do it? These are one of the questions we got
13 to get answers here. I think that is flawed
14 and will always be flawed. We better take a
15 long, hard look at that. I would like the MPO
16 to get involved and take a look at that too.
17 I think what we're doing is wrong and we got
18 to sit down and get better plans than we have
19 now. This is another square peg in a round
20 hole. You're just jamming that road down
21 there. We better take our time and do this
22 the right way.

23 MR. DOUGHERTY: Now, again, that is
24 a hardcore industrial conversation. But if

25 you -- in the intermediate, all the truck

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2 traffic flow will be -- that's going toward

3 Center City will be probably coming up

4 Delaware Avenue, correct?

5 MR. DAVIES: Yes.

6 MR. DOUGHERTY: Okay. So when we

7 sit here and we start to talk about how does

8 the industrial aspect connect with the gaming

9 aspect, connect with the open air space,

10 amphitheatres and green space and things along

11 these lines. It's nice to have a park where

12 our kids can go and walk and take in this

13 beautiful view. But to add a significant

14 amount of truck traffic and pollution and all

15 the entities that go -- peripherals that go

16 along with that and to say in the intermediate

17 there's no place to dump that.

18 And these are conversations and

19 questions I know from our Civic Association at

20 the time we address to our leadership in the

21 political community and say, Hey, we don't

22 have a problem with you reworking the Fruit

23 Produce Center, we know a lot of people make

24 their living, we know the access to this type

25 of product keeps the cost down in this

2 community. But we also -- there has to be
3 other avenues. They just can't make a
4 political decision or a quick decision based
5 on what's in front of you that time.

6 You might have -- you know, it's
7 what neighborhood screams loudest. And at the
8 end we don't want to send it through the Broad
9 Street corridor, we don't want to send it up
10 through the Passyunk, the back-end corridor,
11 then we just dump it on Delaware Avenue
12 because there's really no one down there
13 screaming.

14 So again, you know, I know sometimes
15 you get lost in these conversations here
16 because we're talking about the impact and the
17 amount of dollars and jobs that the industrial
18 industry still brings to a lot of our
19 community, there's still a much larger picture
20 that eventually transcends all of us because
21 this traffic is going no place but on Delaware
22 Avenue.

23 REPRESENTATIVE KELLER: Let me for
24 one second while I'm on the thought, I'll lose
25 it if I don't, the temporary road that's being

2 built and the \$75 million dollar bridge which
3 will turn into a \$150 million dollar bridge,
4 do we have a Federal match for those monies?

5 MR. DAVIES: To my knowledge it is
6 not going to be used.

7 REPRESENTATIVE KELLER: So we're
8 not -- if we do it, if we go through the MPO
9 and get on the TIP and have the MPO put us on,
10 am I correct in saying that the state would
11 only have to put up 20 percent of the money
12 and the feds will put up 80 percent of the
13 money to build these highways or bridges?

14 MR. DAVIES: It's actually not
15 intended to be a state highway.

16 REPRESENTATIVE KELLER: If we go on
17 the TIP, if we go through the MPO and get them
18 to put us on their plan, and will the Federal
19 government then share 80 percent of the cost
20 if we go that route?

21 MR. DAVIES: It's a possibility,
22 Representative, but --

23 REPRESENTATIVE KELLER: But we're
24 not doing that. We're going to say the state
25 taxpayers are going to pay an additional

2 \$75 million dollars upwards to get -- and how
3 much is the state paying for the Food
4 Distribution Center now?

5 MR. DAVIES: The Center itself, I
6 don't have that figure.

7 REPRESENTATIVE KELLER: That's
8 somewhere between \$75 and \$100 million
9 dollars. So we're going to pay \$75 and
10 \$100 million dollars to build a facility and
11 then just to get at that facility we're going
12 to spend another \$75 or \$100 million dollars,
13 almost 100 percent of what we're putting into
14 the facility. I don't think it makes sense.
15 There's not a better way to do this?

16 Hubbida Hubbida. Thank you very
17 much.

18 Marie.

19 REPRESENTATIVE LEDERER: There's one
20 aspect that we didn't touch on, the almighty
21 buses that come along with the casinos.
22 Nobody talked about access and egress for the
23 large number of buses that will be using the
24 casinos. So that's another aspect that needs
25 a great deal of planning.

2 When I talked to some of the people
3 in the casino industry they told me there
4 aren't going to be any buses. You and I know
5 better than that. There has to be a plan.

6 MR. DOUGHERTY: We also, while we
7 have Marie here and there's some, again, some
8 of the questions and concerns that came from
9 the people that are here today, where there's
10 some speculation on Richmond Street might be
11 moved to Delaware Avenue from Susquehanna
12 through Allegheny Avenue and possibly reopened
13 that way, that ramp. Is there any input we
14 can get on that?

15 MR. DAVIES: That is actually part
16 of the preliminary plan that we have to
17 relocate Delaware Avenue and part of Richmond
18 Street toward the river. And that's all going
19 to be done in part with the widening of the
20 viaduct. Delaware -- I'm sorry.

21 MR. DOUGHERTY: Some people are
22 having some difficulty. Maybe we are having
23 some difficulty with your mike, maybe we can
24 move this over here.

25 MR. DAVIES: Better?

60

2 MR. DOUGHERTY: Just speak into it.

3 MR. DAVIES: Sure.

4 It's a difficult thing to describe.

5 I have a sketch that we could look at later if
6 you'd like. But, yes, the preliminary plan is
7 for Delaware Avenue to move approximately 30,
8 40 feet in the direction toward the river and
9 to connect with the portion, that piece of
10 Delaware Avenue behind the Anderson Yards
11 north of Allegheny.

12 MR. DOUGHERTY: Okay. Is everybody
13 understanding and hearing that?

14 We are talking about the specific
15 ramp.

16 We apologize for this. We'll work
17 on this during the next break.

18 REPRESENTATIVE LEDERER: There seems
19 to be a plan to, at that intersection, the
20 cut-off, to close off Beach Street and give
21 that part of Beach Street to the casinos.
22 That shows on one of the PennDot maps. I'll
23 supply you with that. I don't have it with
24 me. But why would we give a city street to
25 the casino?

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2 MR. DAVIES: The plans so far have
3 not been developed with the casinos in mind.

4 I remind you that the I-95 project has been
5 underway for some time. And Girard Avenue
6 interchange has been under design for some
7 years before anybody was talking about gaming.
8 So, you know, we have not made any, you know,
9 adjustments or accommodations for gaming.

10 The thing that we have done recently
11 is last summer asked DVRPC to give us a
12 revised traffic projection that accounts not
13 only for gaming but all the development in the
14 Girard Avenue interchange area so that we can
15 better plan for conditions as they exist.

16 Naturally, each one of those is going to be a
17 snapshot at the time it's taken.

18 But as far as the question, are we
19 accommodating a casino plan with this feature
20 and that feature on the Girard Avenue
21 interchange? The answer is no.

22 MR. DOUGHERTY: How about a
23 temporary ramp at Girard Street right now, is
24 that still in discussion?

25 MR. DAVIES: That has never been in

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2 discussion, in fact.

3 MR. DOUGHERTY: It's strongly
4 rumored then.

5 MR. DAVIES: That is only a rumor.

6 It is untrue. There is no temporary ramp
7 included in our plan. None of the casinos has
8 come forward with an idea for a temporary
9 ramp. There is no funding for a temporary
10 ramp. It's not on the table.

11 MR. LEVINS: I have a question that
12 really touches on a lot of the questions that
13 were just raised here. And, you know, I
14 realize all businesses and government agencies
15 have to have a strategic plan that goes out
16 ten, 15 years. And it's very clear that you
17 have not -- neither Ted, perhaps, the Planning
18 Commission, or PennDot, has really taken into
19 consideration the changes that really no one
20 could have seen perhaps five years ago. And I
21 know businesses have to adjust their plans.

22 And, you know, is there a history
23 with your organization to make those kinds of
24 adjustments to accommodate perhaps increased
25 container opportunities and obviously the

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2 casinos. Are you doing that? Are you
3 thinking about that? Obviously, your plans to
4 date have not captured those new developments.

5 MR. DAVIES: The casinos have each

6 made a short presentation to the district
7 office. And they have outlined, sketched
8 very, very briefly their plans, what they
9 would -- how they would connect, you know,
10 into their locations in terms of traffic. But
11 it's only been that, you know, it's just been
12 very brief, very much of an outline. And you
13 know, we haven't made any adjustments to what
14 we're going to do because obviously all this
15 is up in the air.

16 And so, you know, in reacting to the
17 casino proposals on the I-95 corridor in
18 particular, you know, there is just no
19 reaction on our part because obviously we
20 don't know what's going to happen. And every
21 time an engineer puts pen to paper it starts
22 costing money.

23 MR. RUBEN: Can I just briefly
24 follow up on that or --

25 MR. DOUGHERTY: Yeah, Matt, just let

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2 me go to --

3 MR. RUBEN: Absolutely.

4 MR. DOUGHERTY: Yes, ma'am.

5 MS. THORPE: I don't know if we can
6 speak or not. Are we allowed to speak?

7 MR. DOUGHERTY: You're allowed to do
8 whatever you like.

9 MS. THORPE: Or can we just write
10 things?

11 I am Sarah Thorpe, I live in
12 Fishtown. And I can probably speak for a lot
13 of people in my neighborhood when I say that
14 we are actually pretty outraged that this can
15 happen to us. We understand that planning
16 takes a really long time from PennDOT. But
17 these casinos are coming, they're going to be
18 licensed in December and within six months
19 they're going to have 1,500 slots open to the
20 public.

21 And that was legislation that was
22 pushed through by the state, we understand
23 that, but PennDot needs to be working with the
24 legislation on this casino issue. We can't
25 have something happen in June when casinos

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2 open with 1,500 slots and thousands of cars
3 coming down our street and no plan to take
4 care of it.

5 We've been screaming about this
6 since April and nobody seems to listen to us.
7 People keep saying, We're working on it, The

8 casinos have done preliminary sketches. Well,
9 where is some action on this? Our
10 neighborhood is going to be a mess in eight
11 months and nobody seems to be doing anything
12 about it.

13 I'm sorry. I'm just outraged. I'm
14 trying to control my temper right now. But,
15 you know, we just seem to not be able to get
16 any answers from anybody about how is this
17 going to work when these things open next
18 June.

19 MR. DOUGHERTY: Don't hold your
20 temper, that's why we're here. Okay. That's
21 what the whole focus of this morning's
22 symposium and tomorrow's follow-up piece is,
23 is that State Representatives are not getting
24 answers. Legislation is being pushed through.

25 The question I asked, I opened up,

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2 Foxwoods will be dead set in the center of
3 Pennsport Civic Association. If you walk to
4 the dead center of it make a left and head
5 toward the water you're going to walk in the
6 front door of Foxwoods.

7 Not only Foxwoods, but all of the
8 other proposals have -- basically beyond

9 Girard off-ramp, have used the Washington
10 Avenue/Reed Street as their access and egress,
11 correct? Correct.

12 Every point, every bulletin, every
13 meeting, every 15-year, 12, 15, 30-year plan
14 has nothing on it that says we're going to
15 take that ramp and go into the water front,
16 we're going to open that ramp up.

17 There is nothing. Is there anything
18 anywhere in the game plan? I haven't been
19 able to see it. No one I've asked has
20 supplied anything. The answers continually
21 are, they're quick meetings, they're quick
22 meetings, they're quick parking reviews,
23 they're quick studies. There's nothing that
24 says anything, you know, that will -- this is
25 not a quick proposal, this is a lifetime

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2 adjustment for each one of these
3 neighborhoods.

4 You just heard the State
5 Representative, and it all comes down that,
6 you know, we talk about -- he talks about
7 squeezing a square peg into a round hole.
8 Okay. We put \$150 million dollars to
9 create -- move the industry, which is needed,

10 but we put another \$150 million dollars, and
11 because there's no plan, there's no foresight
12 to it, instead of getting matching funds, we
13 just put it on the state taxpayers. Okay.

14 And again, the reason we're here is
15 that the neighborhoods are crying out for some
16 sort of input and plan. We want input into
17 the plan, but we just want someone to layout a
18 plan. So that's the concept here.

19 And again, there's no -- you have no
20 idea, there's nothing in any one of these
21 quick meetings about taking that off-ramp at
22 Reed Street and doing anything with it, right?

23 MR. DAVIES: Maybe what I ought to
24 do is talk about what we are doing on 95.
25 I'll work my way down to there, but just bear

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2 with me for a second here.

3 PennDot needs to reconstruct I-95
4 for the entire distance through the City of
5 Philadelphia, okay. I'm, by training, a
6 bridge engineer. The structures on I-95 are
7 in bad condition. Many of them are in very
8 bad condition. The state of Pennsylvania
9 ranks either 46th or 49th in terms of bridge
10 condition nationwide. That's bad. Nobody

11 wants to be there. A large component of that
12 is I-95. 30 percent of the bridge deck area
13 in the five county district of PennDot is on
14 I-95.

15 Now, to solve our problem here we
16 have to reconstruct I-95 and the bridge
17 conditions are driving that. So nobody has to
18 worry about our sort of forgetting about this.
19 If we don't do this those bridges are going to
20 start to be weight restricted or closed.
21 We've had up at the State Road viaduct before
22 it was reconstructed, frankly, some close
23 calls. We've had main load bearing member
24 failures. That's bad. We've put \$150 million
25 so far into the reconstruction of 95 and we

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2 have about \$900 million that's still
3 programmed. And that only gets us to Vine
4 Street.

5 Now, south of Vine there is nothing
6 programmed. But much of that is elevated and
7 much of it is in poor condition so it has to
8 be done. So I guess what I'm telling you is
9 that one way or another we're going to work
10 our way down to Reed Street. It may not be as
11 soon as you want, but we don't have any

12 choice, really. It's going to have to be
13 done. It certainly has to be programmed
14 within the next ten years.

15 And the reason it hasn't been
16 programmed already is because we have a TIP
17 that is enormous and underfunded. We have
18 over 550 projects in the district right now
19 that we're working on, many of which are
20 not -- most of which are not funded. And it's
21 just a huge pile of stuff to work through the
22 system in terms of design and permitting and
23 all the steps to go through to get it to
24 construction. So we're getting there, but
25 it's a huge, huge job.

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2 Now, in terms of south of Vine
3 Street, it does have to be programmed, it will
4 have to be reconstructed. We are going to do
5 a temporary surface treatment type and
6 critical structural repair type project within
7 the next year, but that's really only a
8 stopgap type thing. And the real
9 reconstruction is probably going to take place
10 after 2015, once we're finished north of Vine.

11 MR. RUBEN: Could I just piggyback
12 on that for a second and piggyback on what

13 Sarah was saying a moment ago?

14 The communities in the Central or
15 North Delaware have formed a Casino Unity
16 Coalition and it consists of approximately
17 nine organizations which in total serves
18 something like 200,000 taxpayers in this part
19 of the Delaware.

20 And Representative Lederer mentioned
21 the 3,000 condominiums going in, and the
22 number may be even higher. We don't know
23 where the casinos are going to go, but we know
24 that there is going to be at least one on the
25 river and there very well may be two.

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2 The casinos' traffic studies are
3 inadequate, to say the least, but they contain
4 traffic counts and they contain numbers and
5 there are generally accepted professional
6 guidelines to count traffic for residential
7 units. And there are generally accepted
8 guidelines to count traffic for the square
9 footage of commercial space that goes along
10 with those residential units. And there are
11 generally accepted guidelines to count traffic
12 for increased freight related vehicles.

13 So my question is, who can serve,

14 not only the communities in the South, but the
15 communities that have gotten together in the
16 north around casino issues and, of course,
17 around related traffic and planning issues?
18 Can PennDOT or anyone else assign someone to
19 sit down and take all of these traffic counts
20 and just paint us a picture of what we are
21 supposed to expect and what the level of
22 service will be in different areas of Delaware
23 Avenue?

24 I understand and appreciate you've
25 got a lot on your plate. But if someone gave

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2 me \$50,000 I could hire a traffic person
3 tomorrow and get a study done in three to six
4 months that would tell us, here is the picture
5 of what you can expect. And I think in some
6 sense all we're asking for is paint us the
7 picture. There are counts, and the casinos
8 are undercounting, but at least they're in the
9 basic neighborhood. And you can -- no one has
10 added these things up and no one has taken
11 responsibility for adding these things up.

12 And I would think that since the
13 casino law is a state law and is seeking to
14 take control away from the city for

15 everything, that PennDOT, as the state traffic
16 agency, could assign a traffic person to count
17 up these traffic counts and paint us a picture
18 and brief the communities on it.

19 MR. DAVIES: I think I mentioned
20 earlier that the project manager for the
21 Girard Avenue interchange project has asked
22 DVRPC for updated traffic counts that will
23 take into account not only the casinos, but
24 other development, condominiums, as best as
25 they can figure everything that's going on.

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2 So we are updating our numbers from
3 what they were seven or eight years ago when
4 the project started.

5 MR. RUBEN: Well, we'll be more than
6 happy to give you numbers that we have because
7 we see all these development projects come
8 through our community zoning as to other
9 groups in our coalition. And we will be happy
10 to give you that. Just -- I will give you my
11 e-mail and we'll give it to you this week.

12 MR. DAVIES: That's fine. And
13 obviously, you know, during the course of that
14 design there are going to be public meetings,
15 there's going to be communications, and

16 there's going to be plenty of time for that

17 dialogue to take place.

18 MR. DOUGHERTY: We've got a couple

19 other.

20 REPRESENTATIVE TAYLOR: Could you

21 just say who is the project manager for

22 Girard?

23 MR. DAVIES: The project manager for

24 Girard is Elaine Elbick, she is in our

25 district office at King of Prussia. My name

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2 is on the website in the district office, if

3 you can't get ahold of her, you can get ahold

4 of me.

5 MR. DOUGHERTY: Mr. Brooks.

6 MR. BROOKS: Mr. Dougherty, I just

7 want to thank this group for pulling this

8 committee together. I guess when my son asked

9 me if I was going to be at the soccer game

10 tomorrow and I told him no, I had to go to

11 work, he goes, Well, why do you have to go to

12 work? And I had three -- a couple of reasons.

13 And I'll just share them with you. One right

14 now.

15 For 11 years I lived at 106 Watkins

16 Street, Front and Watkins Street. And I

17 watched Watkins Street -- I watched Front
18 Street transition from a neighborhood
19 thoroughfare to a highway as Delaware Avenue
20 and Christopher Columbus at the southern end
21 got more and more crowded I started to see
22 more and more cars move onto Front Street.
23 It's one of the reasons that prompted our move
24 from that neighborhood.

25 But just another quick aside, and I

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2 know I'm not going to be here for that
3 discussion, I guess when I originally bought
4 the house I didn't know I was going to have an
5 indoor pool every time it rained. And my
6 basement -- I'm literally one house off of
7 Front Street, whenever there was a substantial
8 rainstorm we get six inches of water in the
9 basement. I partly blame the home owner I
10 bought it from for not disclosing it. I
11 partly blame my home inspector for not
12 pointing that out. So I wore my former
13 resident of Pennsport hat today. And I still
14 have tons of friends in that neighborhood. I
15 feel their pain.

16 The other hat I want to wear is, my
17 wife was born and raised in Fishtown/Port

18 Richmond area. It's actually a no man's land
19 of a neighborhood, they should call it flat
20 iron on Thompson Street between Huntington and
21 Lehigh. And it's just blocks from State
22 Representative Taylor's office.

23 And my in-laws still live there
24 today at 2635 Thompson Street. And
25 unfortunately, the way the economy works

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2 today, it's a double income family, my wife
3 and I both work and my in-laws have to watch
4 my kids, love watching my kids.

5 But yesterday was a classic example,
6 getting back to that traffic issue. While my
7 older two, my ten year old and seven year old,
8 are able to stay in the neighborhood, the
9 neighborhood we live in now in Northeast
10 Philadelphia and stay with friends there, my
11 twins, my four-year-old twins were at my
12 in-laws and nearly had a tragedy yesterday
13 when cars speeding north on Thompson Street
14 nearly came on the sidewalk and hit my kids.

15 When the police showed up on sight
16 it pained me to overhear that they were using
17 Thompson Street, okay. And that section
18 there, if you're not aware of what that

19 section of the city is like, it's narrow,
20 one-way streets that were never designed to
21 become de facto highways, but because there
22 was back-ups at 95, because there was back-ups
23 on Delaware Avenue where it transitions into
24 Richmond Street people make that decision to
25 cut through the Port Richmond Plaza and use

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2 Thompson Street and Aramingo Avenue as
3 north-south traffic. And that's just going to
4 get worse.

5 And I recognize the challenge facing
6 PennDot and the Delaware Valley Planning
7 Commission as well as the legislators here
8 today on how you're going to deal with this
9 issue. And I don't have convenient answers.

10 I just wanted to share that, that rank and
11 file people are experiencing them every day.

12 But one way to deal with the
13 issue -- and everybody is hammering the
14 planning, the P word, planning. I'm not going
15 to deal with that today. But another way to
16 deal with that is look at non-traditional
17 transportation methods, ways of getting people
18 north and south along Columbus Boulevard,
19 Delaware Avenue and Richmond Street that does

20 not rely on vehicular traffic.

21 And to that end I would ask our
22 state legislators to continue to apply
23 pressure to folks like the Delaware River Port
24 Authority who have shifted their focus, and
25 also to our legislators in Washington D.C.

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2 That my third hat that I wear is the
3 Acting President of the Penns Landing
4 Corporation. A half decade ago we were really
5 aggressive in a project that I was involved in
6 intimately because it's important to me was
7 non-traditional, green friendly, non-pollutant
8 transportation along the water front. We were
9 really successful and mining the Federal
10 government in the water shuttle systems.

11 One of the things we were able to do
12 was revamp and transform the failing River Bus
13 into the Riverlink Ferry that served east-west
14 access. And we were able to secure Federal
15 dollars for north-south water shuttles, but
16 we've run into a brick wall in that Federal
17 dollars have dried up and to some extent the
18 assist we had at the DRPA has dried up. We've
19 got a half a dozen boats ready to hit the
20 water and ready to start serving. But a half

21 dozen 30-passenger boats aren't going to solve
22 this.

23 If we can get the commitment from
24 the Federal government to find ways to move
25 people north and south that's not strictly

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2 based upon putting more cars on Christopher
3 Columbus Boulevard and Delaware Avenue I think
4 will go a long way to help solve this problem.

5 So again, thank you. Thank you for
6 your time and thank you for putting this
7 together.

8 MS. GOODWIN: John, I have a
9 question.

10 MR. DOUGHERTY: Yes, Rene.

11 MS. GOODWIN: I want to make sure
12 that I understood correctly something that you
13 said. I understand clearer now than I ever
14 did before the importance of the
15 reconstruction for safety issues of I-95.
16 Now -- and I heard Mr. Dougherty mention Reed
17 Street, and you also addressed that, sir. Am
18 I to understand that regardless of whether or
19 not we get Foxwoods it is an inevitability
20 that there is going to be a ramp at
21 Reed/Dickinson Street or did I misconstrue

22 that? That's part one.

23 And part two is, the casino
24 applicants have been inappropriate in not
25 supplying communities with copies of their

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2 various reports. I know on the 16th,
3 Foxwoods, for example, is submitting
4 additional information. It would be so nice
5 to have access to that. But of course we're
6 only the residents. However, PennDOT, as the
7 key agency, the key entity to oversee the
8 entire traffic and transportation issue, at
9 least in terms of the roads, do you, sir, get
10 copies of those reports? And if not, how
11 arrogant of the casinos to expect you to do a
12 job that's not only reconstructing a major
13 highway, but trying to at the same time
14 address the changing needs of this entire
15 city?

16 That's sort of rhetorical, but the
17 first one about the ramp I really would like
18 an answer to. Thank you.

19 MR. DAVIES: What I meant to say
20 was, is that it is definite that the viaducts
21 in South Philadelphia that carry I-95 will
22 need to be reconstructed within the next 20

23 years. That has to be done.

24 MS. GOODWIN: That means Reed

25 Street?

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2 MR. DAVIES: That would mean Reed

3 Street. Now, whether or not there is a ramp

4 there is another matter. It is conceivable,

5 all right, it's conceivable, that the casino

6 would say, Well, we'll build one right now at

7 our expense, if they can get the Federal

8 government to -- if the FHWA would approve it,

9 it is a limited access Federal highway, and

10 they have an interest in that, then it might

11 be able to be done.

12 MR. DOUGHERTY: One of the questions

13 that I will piggyback on the back of that is,

14 is PennDOT meeting with the State Gaming

15 Control Board to discuss the casino proposals?

16 MR. DAVIES: Each of the casinos has

17 tried to make a presentation to us so that

18 they could tell the Gaming Board they've

19 coordinated with us. Okay. So they come in,

20 they show us a few cards. The day before

21 yesterday Foxwoods was into the office, they

22 left a stack of papers, traffic projections

23 and our traffic people are looking them over.

24 They've seen them for the first time.

25 I'm not trying to characterize their

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2 approach or anything. This is just what's
3 happening. So that's where we are. We are,
4 you know, we are receiving this information,
5 we are not -- we are not in any way -- PennDot
6 is not in any way in control of this process.
7 We're not some integral part of the licensure.

8 MR. DOUGHERTY: If you don't mind,
9 you're telling me that PennDot is not meeting
10 with the Gaming Control Board at all? I mean,
11 you're not telling -- well, not about just
12 traffic, about infrastructure?

13 MR. DAVIES: I'm the guy who is in
14 charge of designing District 6. I do not know
15 if the secretary is meeting with them. I
16 don't know if the executive staff in
17 Harrisburg is meeting with the Gaming Board.
18 I don't know the answer to that question.

19 MR. DOUGHERTY: You do know that so
20 far, basically you get a meeting, okay, the
21 State Gaming, they come in, they give a
22 proposal and hasn't been in depth to what
23 you're normally accustomed to? You're looking
24 at something that's going to change the face

25 of the water front for years to come on one

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2 hand in a real quick time frame. And on the
3 other hand, you're telling us that we have a
4 15 to 30-year game plan that will eventually
5 work through, we got \$900 million dollars, and
6 we'll eventually get to Reed Street.

7 MR. DAVIES: Be clear about that,
8 that \$900 million only gets you to Vine.

9 MR. DOUGHERTY: Only to Vine, okay.
10 But what my point is, is that, if we want to
11 force feed something, okay, we're capable.
12 And obviously, when we have seminars and
13 symposiums and things along these lines and
14 these questions get asked and these questions
15 are answered, the result to that, the response
16 we get is Senate Bill 826 -- or 862. Well,
17 826 will probably come next. Okay, 862.

18 Okay. So, okay, just -- how about,
19 we also have with us here, we have Charlie
20 Denny from the Streets Department. And one of
21 the questions, Charlie, that came from, you
22 know, a community meeting -- and by the way,
23 this has been very good and we appreciate you
24 taking the time in coming down here today and
25 answering these questions like this or at

2 least attempting to. And hearing, you know,
3 some of our concerns and taking them back.

4 And I also want to let people know
5 that after we break in 15 minutes or so we
6 will then get into, you know, some serious
7 questions about the infrastructure and water
8 and sewer issues that are not only relevant to
9 casino expansion and things along them lines,
10 but have also have been issues that we believe
11 that when we started to tie up 90 acres of
12 land with big box development, things along
13 them lines, the 100 blocks of certain
14 communities right on the flip side of these
15 development projects have, as you heard, been
16 gathering a lot of water, I refer to as
17 aquarium-like basements.

18 Okay. Let me just take the one
19 question here then we'll go back to the
20 Streets Department.

21 You know, about all the ancillary
22 development, Columbus Commons, Pier 70, you
23 know, traffics and things like that. Also,
24 there was a question that kind of transcends
25 both yourself, part of common usage in the

2 case of cities of First Class, the
3 Commonwealth provides the funding for signage,
4 stripping, traffic, columning, while the city
5 implements it. Is there a coordinated effort
6 going on between the city and the state in
7 reference to, you know, discussions about this
8 type of stuff that will be needed for, not
9 only water front development, but gaming in
10 particular? That's a question that was asked.

11 MR. DENNY: Let me start out, my
12 name is Charles Denny, I'm with the Streets
13 Department, I'm the Assistant Chief Traffic
14 Engineer. The Traffic Engineering Division is
15 responsible for the movement of people and
16 goods on the city highways, primarily through
17 the -- our traffic controls, stop signs,
18 traffic signals and markings.

19 We do work with PennDOT on various
20 projects. We come up with projects that we
21 want to do and develop and we look for
22 funding. The funding goes to both PennDOT and
23 the DVRPC. We try to get our projects on the
24 TIP so that's how most of the projects we have
25 are funded. We do do some of the smaller

2 things in terms of installing signals and stop
3 controls.

4 What was the rest of that question?

5 MR. DOUGHERTY: There is cities of
6 First Class, there is a common usage of, let's
7 say, how the custom of usage is that
8 you coordinate on signage, traffic, those
9 things along them lines. And the fact that we
10 not only have all this development that has
11 basically -- and again, you know, I'm here as
12 just a, you know, one of the initial people to
13 form this, but here as the President of the
14 Pennsport Civic Association and, you know,
15 Matt and the rest of the activists here can
16 represent their area.

17 But there has been a significant
18 amount of traffic in that area since, for no
19 better word, the Ikea development, so. And
20 gridlock more than anything. Today if we left
21 here, 45 minutes to get two miles. But more
22 importantly, as you heard, Front Street, 2nd
23 Street, Moyamensing Avenue, have a large
24 amount of cars from out of the area now to a
25 point where Front Street, you might have to --

2 there's nobody crossing a corner real quickly

3 these days. There's been no speed bumps
4 added, not a whole lot of signage, takes
5 forever to get a traffic light, okay.

6 We are talking about now some major,
7 major investments. We're talking about the
8 state investing a ton of money down at the
9 Food Distribution Center and basically that
10 traffic being thrown onto Delaware Avenue.
11 We're talking about a 15 to 30-year game plan
12 off of I-95 on how we're going to help
13 alleviate some of the back-up there. We're
14 not talking about anything in the near future.

15 So we're just talking about what are
16 the Streets Department and PennDOT doing,
17 okay, from a Pennsport perspective, but also
18 from a question from one of the people that
19 took the time out of their weekend to be here
20 with us. And a beautiful weekend it is.

21 Okay. Just wondering if there is a
22 coordinated effort? Is anybody coming to you?
23 I mean, what's the role? Or does the casinos
24 just send you a packet like they send
25 everybody else and expect to have it pushed

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2 through?

3 MR. DENNY: Okay. Cities of the

4 First Class are responsible for all traffic
5 controls on all local streets, including state
6 highways in the city. And so City Avenue,
7 Broad Street, Delaware, Columbus Boulevard,
8 the City of Philadelphia controls the traffic
9 controls, traffic signals.

10 We are aware with the development
11 down on southern Columbus Boulevard of the
12 additional traffic and that the traffic moves
13 sluggish at best. We know that we are going
14 to have to make some changes there to try to
15 move or improve the flow of traffic along
16 Columbus Boulevard.

17 Two of the casinos have been in and
18 shown us what they are proposing, given us
19 their traffic numbers. We're still waiting
20 for the other ones to do so. It's hard to
21 really do some planning when you don't know
22 which of the various choices are going to be
23 chosen in terms of where the traffic impact
24 will be from the casinos.

25 The casinos do have a big benefit

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2 for moving traffic because although they think
3 if you build it they'll come, the truth is, if
4 they build it they may come, if they can't get

5 there and they can't get there easily, they're
6 not coming, there are other options, other
7 places they can go. So they have a vested
8 interest in moving the traffic once they get
9 chosen, if they get chosen.

10 MR. DOUGHERTY: Which two, if we
11 could ask, supplied you with information, if
12 you don't mind?

13 MR. DENNY: Trump up in East Falls
14 and Foxwoods.

15 AUDIENCE MEMBER: If I could ask
16 something?

17 They have a vested interest in
18 making sure that you can get to the casinos,
19 but they don't have a vested interest in what
20 happens to the ancillary streets surrounding
21 the casinos where all of the residents that
22 live in the neighborhoods next to these
23 locations. What has the Streets Department
24 and PennDOT done to address these issues?

25 You're saying that it's hard to make

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2 these studies, review these studies because
3 the sites haven't been picked. But have these
4 studies been done that you know what the
5 current volumes are and how they've been now

6 impacted by the big box stores? Do you know
7 how you -- can you make projections based on
8 what the current numbers are? And how are we
9 supposed to deal with these things?

10 I live near the Italian Market and
11 the volumes of traffic that go down Washington
12 Avenue and down 9th Street are enormous. How
13 are we going to deal with the volume of
14 9 million people going to a site that's only
15 ten blocks away? And you know that the people
16 who maybe are going to the casino, maybe
17 they're going to be driving down Washington
18 Avenue, but definitely all the people who live
19 in the city are going to be driving through
20 the city. So they're not taking into
21 consideration all the ancillary traffic on the
22 ancillary streets.

23 MR. DENNY: No. But our goal at the
24 Streets Department would be to keep that
25 traffic on Columbus Boulevard and on the

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2 expressway and not have it on the local
3 streets. Granted, anyone who lives in South
4 Philadelphia should be using the local streets
5 to get over to Columbus Boulevard. But people
6 from beyond South Philadelphia, if you're

7 talking about that particular area, shouldn't
8 be using those streets. We should try to
9 develop traffic patterns or make the roadway,
10 particularly Columbus Boulevard and the ramp,
11 handle all the traffic that needs to go there.

12 Now, I heard one comment about buses
13 being the problem. They haven't shown any bus
14 numbers because automobile numbers are higher
15 and cause more traffic problems than would be
16 buses. A bus is better than 20 or ten
17 automobiles. If you can get the people out of
18 the automobiles and in the buses, there's a
19 big benefit.

20 In talking about all the condo
21 developments along Columbus Boulevard, if
22 those condos got together and supplied a
23 shuttle bus back and forth from their sight to
24 Center City and back, that would be far better
25 for traffic conditions on Columbus Boulevard

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2 than having everyone drive an automobile.

3 The other thing is condos have a
4 great advantage is, there's a capability of
5 sharing cars, doing car sharing there. So
6 that people don't actually need to own a car.
7 With a shuttle bus to Center City and a car

8 share program they don't need to own a car,
9 there will be less cars on the road.

10 Car sharing also helps in the tight
11 dense packed areas which exist along the river
12 because the less cars there are the more
13 parking spaces there are that are available.
14 Because in most cases along, I would think the
15 entire stretch, there's not a lot of available
16 parking, particularly when it gets to be 1:00
17 a.m. and everyone is home.

18 So there are things to look for. I
19 mean, car sharing is probably one thing that
20 everyone along the river and through most of
21 South Philadelphia and other parts of the city
22 need in order to get additional parking into
23 their neighborhoods. Because with people
24 owning two or three cars per household in some
25 cases, that doesn't leave a lot of room on the

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2 street, particularly if you've got 40 homes on
3 the street and room on it, some streets could
4 park only 20 cars, if that many.

5 MS. GOODWIN: May I ask a question,
6 please?

7 MR. DOUGHERTY: Do me a favor? I
8 have a few other people that haven't asked any

9 questions yet, so I hope to go --

10 MS. GOODWIN: Sure.

11 MR. DOUGHERTY: Okay. We're going
12 to be wrapping this up, the morning session.

13 Yes, sir. Right here. The two
14 gentlemen who haven't spoke.

15 Could you do me also a favor? If
16 you don't mind, purely for the stenographer,
17 if you could introduce yourself if you're
18 comfortable with that, and then so we know
19 when the documents are printed out.

20 MR. GOLDBLOOM: Jeff Goldbloom,
21 Morris Street, 1300 block.

22 Just a question for you, sir. Can
23 you mandate somehow that these condos up the
24 road there have adequate buses with adequate
25 schedules so it's convenient for these people

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2 to just hop on and get into Center City? Do
3 you have any control over that kind of thing?

4 MR. DENNY: I've made the
5 recommendation to them, I can't control them
6 to do so. I think the people who move in who
7 eventually have condos control the building,
8 it's in their interest to have those, and in
9 their interest to work with other ones.

10 I mean, there's one proposed, I
11 think Penn Street and around Poplar Street.
12 Then on the other side of the street there's a
13 proposal for another one which is actually
14 even bigger. If the two of them got together
15 and ran shuttle buses so they can run them
16 more frequently. And if they got together
17 with some of the other ones along the
18 corridor, I mean, if you could get a bus every
19 15 minutes that takes you in and out of town
20 and back, that's a lot less cars that will be
21 on the street. Plus saves them a good bit of
22 money in terms of parking in Center City.

23 MR. RUBEN: We have done that in
24 Northern Liberties with those projects. We
25 have binding development agreements that

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2 mandate spaces in their parking garages for
3 car share and mandate shuttle buses at rush
4 hour. So community groups are doing --
5 developing agreements as long as they have
6 some political leverage, which we have had.

7 MR. DENNY: The other thing is,
8 wherever the casino goes, encouraging the
9 casinos to run shuttle buses to East Market
10 Street and the East Market Street Station

11 around --

12 MR. GOLDBLOOM: Washington Avenue
13 and Broad Street, where a lot of people take
14 the shuttles to Atlantic City, that area too.

15 MR. DENNY: Getting them to run
16 shuttles. I mean, the less cars you have on
17 the street, the better. Now, again, when
18 they're doing the numbers they're doing the
19 worse case, which is all automobiles and not
20 buses. But what you want is an encouragement
21 wherever they are to use buses to get as many
22 people out of automobiles and into a bus.

23 MR. DOUGHERTY: Okay, Eddie.

24 MR. KIRLIN: Yeah. Ed Kirlin,
25 Pennsport.

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2 I have read the Foxwoods traffic
3 impact study calls for 20,000 cars on Friday,
4 28,000 cars on Saturday, roughly 50,000 cars,
5 I'm not sure about that figure, during the
6 weekday. But I don't think that anyone has
7 done any analysis or review of the combined
8 impact of the north and south casino. I would
9 encourage you to look at that as you do
10 review.

11 My question is -- especially with

12 the industrial traffic that we're talking
13 about. I have not seen anything in any of the
14 impact statements relative to the impact of
15 pedestrians. And by their own projections,
16 just with Foxwoods, they will have between two
17 and possibly as high as 8,000 pedestrians
18 coming to their casino, plus adding the fact
19 that everyone is calling for access to the
20 river, public access. So you're going to
21 have, once these lights go up and you have
22 this attraction, you're going to have people
23 crossing Delaware Avenue in droves where they
24 never did before. And so I wonder if there's
25 any studies about the impact of pedestrian

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2 traffic on automobile traffic?

3 Because everyone is projecting what
4 they're going to do with traffic flows and the
5 synchronization of the lights and realigning
6 the Boulevard. But I don't know, every time I
7 have got to an intersection and had the light,
8 but the traffic was stopped, it was because
9 there was a right-hand turn, a pedestrian was
10 in the middle of the street.

11 So you can change the lights all you
12 want, but once you add the pedestrian impact

13 it changes everything. So I'm hoping, I don't
14 expect to have an answer, but that's certainly
15 going to be a factor once these casinos go up.

16 MR. DENNY: Well, the lights will
17 need to be retimed, whether there's
18 development -- casino development or not, we
19 need to retime those lights. And pedestrians
20 will be accommodated to be able to cross
21 Columbus Boulevard, in particular.

22 MR. KIRLIN: Will the --

23 MR. DENNY: Pedestrians, no matter
24 where you are, whether it's in the heart of
25 Center City, along Columbus Boulevard,

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2 pedestrians and vehicles from right turns,
3 left turns are in conflict.

4 Our software that we use to simulate
5 the traffic development takes that into
6 account. And we know how much of an affect
7 pedestrians have, depending on the number on
8 how many vehicles can make that right turn.

9 MR. KIRLIN: It slows it down, does
10 it not?

11 MR. DENNY: It does slow it down,
12 but that still has -- it's in the -- it's in
13 the equation.

14 MR. KIRLIN: The best laid plans of
15 mice and men often go awry.

16 MR. DENNY: Yes.

17 The other thing concerning traffic
18 coming along Front Street. On local streets
19 we tend to prefer to use all-way stops. On
20 the major streets we prefer to use signals.
21 So we're not going to look to want to
22 encourage through traffic to use Front Street
23 or any of the other local streets. We prefer
24 them to use the major streets, Washington
25 Avenue, Columbus Boulevard, Girard Avenue in

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2 the north, Spring Garden Street, and not use
3 the local streets.

4 MR. KIRLIN: It sounds like you
5 don't think there's a train wreck about to
6 happen.

7 MR. DENNY: No. I think we're going
8 to have to accommodate a fair amount of
9 traffic. We tend to look at traffic in
10 one-hour periods of time as opposed to the
11 whole day when you're talking about 20,000.
12 We'll be looking at what the impact is in the
13 peak hours and then some of the off-peak
14 hours.

15 But what they have can be
16 accommodated. It's going to take a lot of
17 work to do it. There's some critical
18 intersections along Columbus, Washington
19 Avenue is one. The ramp onto 676 and 95 is
20 another. Spring Garden Street is a critical
21 one, and up at where Delaware Avenue hits
22 Columbia and it goes from three lanes to two
23 lanes is another critical intersection. There
24 are critical intersections that need to be
25 looked at and addressed in order to handle the

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2 traffic. Plus, wherever the casinos have
3 chosen to come out onto the street at that
4 point they'll be critical intersections there.

5 There are things you can do to
6 change and improve the impact. Foxwoods had
7 one thing, we made a suggestion, we made a
8 change and it made an improvement. So we'll
9 be looking at whoever the winners are, what
10 they're proposing, and then making proposal
11 changes that will hopefully improve traffic.
12 But there are critical intersections that need
13 to be addressed and looked at.

14 MS. GOODWIN: John, please may I
15 have one?

16 MR. LEVINS: I have four people yet
17 that have had their hands up that want to
18 get -- I have Patty right here, I'm going to
19 go to the gentleman in the hat, I'm going to
20 go to this young woman right here and I'll
21 wrap it up with Jimmy Penza on the first
22 session, okay. And we got a real interesting
23 second half too. We just want to take a
24 little break and reorganize on that behalf.

25 One of the other components that I

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2 don't think anybody touched on when we talk
3 about casinos, everybody says, Well, we got a
4 couple year game plan. The minute they get
5 access there's going to be temporary casinos.
6 So you know what, I don't want anyone to just
7 think that we're going to wait two-and-a-half
8 years to build something. The temporary
9 casinos will be popping up wherever they have
10 access. And I think that's something that,
11 you know, has to be also addressed more.

12 MS. KOZLOWSKI: My name is Patty-Pat
13 Kozlowski, K-o-z-l-o-w-s-k-i. I'm Director of
14 the Port Richmond On Patrol Civic Association,
15 which is a neighborhood just to the northeast
16 of here.

17 Recently my community fought off a
18 proposed car shredder operation that would put
19 approximately 500 extra trucks on the streets
20 of Port Richmond along the Delaware Avenue
21 corridor. We successfully fought that and won
22 because it was proven that the streets of Port
23 Richmond could not support this kind of
24 traffic. So with just 500 trucks it was
25 proven that we could not support this traffic.

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2 So excuse my French, but how the hell can we
3 support 10,000 times more because of all this?

4 Everyone knows if they're coming
5 from Northeast Philadelphia you have to go
6 through Port Richmond to get to the casinos.
7 With the plan that, you know, PennDOT put
8 forward today, that people coming from
9 Northeast, they're going to get off at Bridge
10 Street, at Aramingo Avenue, at Allegheny
11 Avenue, trying to take the side streets to
12 come down to the gaming site.

13 I want to piggyback on what Sarah
14 Thorpe said and what Rich Levins said and what
15 Matt Reuben and Mr. Brooks, as a community
16 group we really feel that we're in the dark on
17 this. And I feel like we have to be,

18 community groups, we have to be private
19 investigators or CSI. We have to get this
20 information ourselves, it's like pulling
21 teeth.

22 And it's funny, because when a
23 developer comes into my area in front of my
24 civic, if he wants to build a house he has to
25 show me how many toilets he's going to put in

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2 there, he has to show me how many trees and
3 bushes in his backyard. Port Richmond has a
4 huge retail strip, Wal-Mart, Target,
5 Applebee's, they have to show me a traffic
6 study, they have to show me everything. And I
7 just feel like, you know, as a community
8 group, and we join the casino coalition, we're
9 just getting all, you know, a glossy packet in
10 front of us. And then a guy comes in to build
11 a house and we put him through the tenth
12 degree, how many toilets you have, how many,
13 you know, your back door, your garage. And
14 with this whole casino thing and with traffic
15 it's like pulling teeth. I feel like I'm on
16 CSI, I'm in the morgue all day just trying to
17 find, you know, what the cause of this is.

18 So as from the Port Richmond

19 Community Group and all the groups along the
20 river, they have to come through my community
21 to get to these gaming sites. We just fought
22 off 500 trucks, we are looking at 10,000 times
23 more. So how do you answer that? How is that
24 going to happen if my streets couldn't hold
25 500 extra trucks, how are they going to hold

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2 50,000 extra cars?

3 MR. DOUGHERTY: Who are you asking?

4 I agree, I'm in --

5 MS. THORPE: That's the problem.

6 MR. DOUGHERTY: Gentleman right in
7 the center.

8 MR. BROCCO: Okay. My name is
9 Anthony Brocco, I'm from the Pennsport area,
10 116 Fernon Street.

11 Traffic is a problem, but has
12 anybody looked at the study? I don't see
13 anything on the itinerary about these cars and
14 these people coming from these casinos
15 impacting our children.

16 Has anybody realized there's three
17 schools within that five block area where our
18 children go to school every day? What kind of
19 people they're going to bring in with this

20 foot traffic as far as the workers, maybe some
21 alcoholics coming out of there, maybe hurt
22 somebody. I mean, cars are one thing, but
23 what about all the volume of people that are
24 going to be now walking through our
25 neighborhoods?

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2 It's bad enough now that we are
3 dealing with what we got. Everybody drugged
4 up and trashed out of their cars on Front
5 Street. And all the litter that we incurred
6 with Ikea, with Wa-Wa and all the other
7 businesses now. And you want to put a casino
8 right in our back door? Okay, yeah, there is
9 going to be traffic, what about the foot
10 traffic in our neighborhoods? And what the
11 element it's going to bring into our
12 neighborhood? We're struggling now, like I
13 said, with what we got, you know. I think
14 it's only going to get worse. Has anybody
15 addressed that problem?

16 MR. DOUGHERTY: This is a symposium
17 to raise them type of questions. And I think
18 the, the obvious questions, you know, between
19 the two entities inside the state haven't
20 communicated to a higher degree. So no, I

21 don't think we have been to a whole lot of
22 community concerns yet and things like
23 transient people walking through neighborhoods
24 who, you know, might not have the best
25 interest of the neighborhood at heart.

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2 MR. BROCCO: As a block captain I
3 will tell you right now, my neighbors at night
4 are afraid to walk over to Wa-Wa or down --
5 just right down the store because of what's
6 going on now, coming out of Targets and coming
7 out of the Wal-Marts and the Shop-Rites, it's
8 bad enough now. You want to put a casino
9 that's going to possibly put maybe a million
10 people a year? How do you think -- six. How
11 do you think they're going to feel now? To
12 heck with all the traffic and the parking, how
13 about the people and the human factor involved
14 in the impact?

15 I mean, it's bad enough with 82 and
16 84 that you have God only knows how many
17 immigrant workers over there that just
18 attacked the customs worker that went over
19 there to check their I.D. and they had to
20 arrest 50 of them. They come down to the
21 pizza parlor and to the Wa-Was, you know what

22 I mean? Our families are in danger of what
23 could happen if you bring this many volume of
24 people into this small community. And I mean,
25 we have to address this also too.

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2 MR. LEVINS: Well, I don't have a
3 solution to all of the issues you raised, but
4 I can say that the various community groups
5 that have joined as a coalition, what we're
6 trying to do, and which we're making progress,
7 is to have a community benefit agreement with
8 one or more of these applicants, and if all of
9 them who are successful north of Spring
10 Garden, including Spring Garden, whereby they
11 would put money into a fund that would be able
12 to be used to address some of the issues that
13 you've raised who are also pressing the city
14 to ensure that they have the extra resources
15 there to clean the litter, to police the foot
16 traffic and the quality of life issue crimes.

17 I mean, traffic is obviously -- no
18 one in this room has a solution to that
19 traffic, it appears. But some of the other
20 things we are trying to address as a
21 community, a group of community organizations.
22 And we don't want the city -- we don't want

23 the casinos to pay for the extra police, the
24 city is getting money back from revenue from
25 the casinos, we want the city to step up and

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2 provide the extra police and we want the
3 casinos to step up to provide resources to
4 address some of the issues.

5 MR. DOUGHERTY: Okay. Yes.

6 MS. FREED: Maryellen Freed from
7 Front and Morris. And I'd like to address
8 the -- in addition to how bad the local
9 traffic is going to be, I also commute up and
10 down 95 and I have taken 76 into the Delaware
11 Avenue exit, and both of those can be deadly
12 right now, they're not being managed well.

13 I have taken 76 to the Delaware
14 Avenue exit and all of a sudden stop right
15 there at 76, which is a very big danger. And
16 then also coming through 95, once you see that
17 Stella sign and you're hitting Girard Avenue,
18 then you come to a deadly stop because we
19 currently can't handle traffic on 95. And
20 it's gotten worse in the last month or so.

21 I used to travel the Schuylkill, I'm
22 afraid 95 is going to turn into the Schuylkill
23 at this point and we haven't even added

24 casinos. That's the point, I want to move out
25 of the city. I refuse to drive on another

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2 Schuylkill Expressway.

3 MR. BROCCO: We're about ready to
4 move.

5 MR. DOUGHERTY: Mr. Penza.

6 MR. PENZA: Jim Penza from the
7 Whitman Community Council. And I'd like to
8 express a concern, two concerns, actually.

9 If I'm hearing correctly today, I
10 think I heard a proposal that can possibly
11 save the state \$56 million dollars on building
12 a bridge. And I think I'm hearing the state
13 and the city's two biggest traffic
14 organizations tell us that they've sat with
15 casinos and gotten a cursory presentation and
16 they're going to wait until the site is
17 selected in order to react to traffic.

18 As an ordinary citizen, we know this
19 traffic is a very important, if not the most
20 important variable that should be considered
21 when these casino sites are selected. Raising
22 these issues now, I would like to see a
23 commitment from the people who are attending
24 here that they go back and they talk to each

25 other and they talk to their superiors and let

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2 them know where we stand right now. Because
3 we can't wait to react to where the traffic
4 is. Or we can't just be happy if somebody
5 comes in front of us and hands us some papers
6 and say, This is the way it's going to be.
7 They're counting on you people as traffic
8 experts and as experts about roads and bridges
9 to take our case back to your superiors and
10 let them know that this is serious a issue and
11 what's going on right now is not satisfactory.

12 MR. DOUGHERTY: We'll go to Eddie
13 and we'll rap that up. What we'll do is
14 anybody that has an outstanding question,
15 okay, about this morning's session, please
16 write it down, we will make sure you get your
17 answers. And anyone that's been in and out,
18 we will make copies available of not only
19 today's activity, but also tomorrow's so that
20 feel free to contact either the Pennsport
21 Civic Association, Whitman or maybe Eddie, we
22 will use some of your tools to make sure we
23 get the messages out. Okay.

24 MR. GOPPELT: Ed Goppelt with the
25 website Hallwatch.

2 I was just curious as to -- I mean,
3 I assume that the three agencies here, the
4 Delaware Valley Regional Planning Commission,
5 PennDOT and City Streets Department, that you
6 guys collectively are responsible for dealing
7 with the traffic issues generated by casinos;
8 is that correct?

9 MR. DENNY: Well, we are responsible
10 for all the traffic issues in the region, not
11 just for one specific item.

12 MR. GOPPELT: Okay. But the problem
13 that everybody is concerned about is the
14 traffic generated by the casinos and you guys
15 collectively are responsible for it, right?
16 Is that right?

17 MR. DENNY: We ultimately will be,
18 yes.

19 MR. GOPPELT: I'm seeing you all nod
20 your heads yes, okay. I guess my question is
21 shared responsibility means nobody's
22 responsible. What I would like to know is,
23 who is -- who has the lead responsibility
24 here? I mean, who of you three or the Federal
25 government is going to take the blame or the

2 credit for solving this problem successfully?
3 Is it PennDOT? Are you the one responsible
4 ultimately? Are you like the one who is going
5 to take the lead responsibility on fixing
6 these problems?

7 MR. DENNY: I think the state law as
8 it was written is giving us a problem, and
9 that we're going to handle it is the way we're
10 looking at it and the way it is. The state
11 law that created the gaming coming into the
12 city and across the state, and that gaming
13 that was set up, they didn't really ask us
14 what we thought about it or we can do about
15 it. We're being given the problem and we're
16 going to handle the problem as best we can
17 when we get it.

18 But ultimately, you go back to the
19 state legislators and the governor, in this
20 case. They're the ones that came up with the
21 law and passed it and gave us this challenge.

22 MR. GOPPELT: Okay. So the
23 governor and the state legislature are
24 responsible for our traffic problems, is that
25 the bottom line?

2 MR. DENNY: No, they're responsible
3 for giving us a challenge. If you don't like
4 the challenge, the rest of the problems we
5 have. We have a process. We don't have a
6 sufficient amount of money to handle all the
7 problems we have, but we're trying what we can
8 with the money we have available. Federal
9 funds are pretty much all allocated for the
10 next ten years for various projects. So those
11 projects that aren't chosen are going to have
12 a hard time fighting to get available funding
13 in it to be done.

14 MR. GOPPELT: Who do we blame if
15 things go terribly wrong and Columbus
16 Boulevard is just a gigantic mess after these
17 casinos come in? Who should we blame, in your
18 opinion?

19 MR. DENNY: Well, if it's a traffic
20 control you can call me and complain to me
21 about having to go out there and fix it, since
22 that would be my responsibility as the Traffic
23 Engineer for the city of the First Class. And
24 then we'll try to do our best to rectify it.

25 MR. GOPPELT: So we blame the city

2 then or talk to the city?

3 MR. DENNY: You will talk to the
4 city or ask us to fix the problem that exists.

5 And if there are problems beyond Columbus
6 Boulevard at Front Street or 2nd Street or
7 Broad Street, you will ask us to fix those
8 too.

9 MR. GOPPELT: Why isn't anybody
10 taking the lead on this issue? Why do I not
11 hear somebody stepping forward and saying, I
12 am ultimately responsible for all the traffic
13 problems created by the casino, why am I not
14 hearing that today?

15 MS. GOODWIN: Because nobody knows.

16 MR. DENNY: You mean ultimately
17 responsible or ultimately going to handle it?
18 Ultimately, I'm going to handle it.

19 MR. GOPPELT: Is somebody in charge
20 of dealing with these problems or is it just,
21 you know --

22 MR. DENNY: But, I mean, I didn't
23 ask for it, I wasn't given the choice as to
24 whether I get it or not. I'm getting it and I
25 will take care of what I can take care of.

2 MR. DOUGHERTY: Okay. Can we get

3 any -- do we have any closing comments on the
4 first half from --

5 REPRESENTATIVE KELLER: I just have
6 one.

7 As you can tell, I can't pass up a
8 straight line. I would just like to ask
9 Chuck, did I hear you say that he thinks maybe
10 sometime, maybe sometime in the future that if
11 a casino is there then they would be willing
12 to help pay for the ramp? Did I hear that?

13 MR. DAVIES: Yeah. There are a lot
14 of improvements that get made by developers
15 under a process called a highway occupancy
16 permit. Okay. When they come in and they
17 generate lots of activity and traffic, not in
18 the city, but in the outlying suburbs and in
19 the other counties, they have to get a permit
20 to occupy part of the state right of way. And
21 part of the review process for that permit is
22 to look at their traffic numbers, to look at
23 the geometries of their proposal, and all of
24 these things.

25 Now, in the City of Philadelphia the

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2 city has been granted the privilege of
3 approving highway occupancy permits on state

4 highways. So it's more of a shared
5 responsibility in that sense. But yes, it is
6 possible that major improvements could be made
7 at the expense of the developer.

8 REPRESENTATIVE KELLER: Well, I
9 would hope we keep an eye on that because as
10 it stands the bill, the gaming bill that's
11 before us, 862, if you notice in there they
12 don't even want to pay for water and sewer
13 hook-ups. So I don't know how people who
14 don't want to pay for water and sewer hook-ups
15 are going to be voluntarily paying to fix
16 ramps. I don't think they'll volunteer to do
17 anything.

18 MR. DOUGHERTY: Okay. Thank you.

19 I'd like to thank you for today,
20 Chuck, Charlie, Ted. Tough times, a lot of
21 frustration, no answers. We appreciate you
22 taking your time out to come and sit and
23 answer some of our concerns.

24 We have a little bit of a brief -- I
25 think there's yogurts and fruit and a few

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2 other odds and ends there. I think if you
3 hand around, take a half hour break or so,
4 you're really going to enjoy this afternoon.

5 We got some good questions, we got the DEP and
6 the Water Department here. And most of our
7 early questions were relevant to our two guest
8 speakers this afternoon. So if you hang
9 around I think you'll get all your questions
10 answered.

11 Thank you for participating this
12 morning.

13 (Short break.)

14 MR. DOUGHERTY: Thank you. I
15 appreciate you participating. I thought this
16 morning's session was very -- not only well
17 attended, but the questions were high quality
18 and, again, nothing was superficial, right to
19 the meat and potatoes we went. And we had a
20 lot of questions that were left so there still
21 will be some unanswered questions that we will
22 get answers.

23 And our earlier panel all felt that
24 it was well worth their time and that they
25 wanted to partake in follow-up, which was also

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2 very good.

3 We're lucky enough this afternoon to
4 have, of course, the same panel across the
5 front. State Representative Keller, State

6 Representative Taylor and of course, as I
7 described her earlier, legendary State
8 Representative Marie Lederer. We have some of
9 our community groups up front with us. Okay.
10 We have one or two that went back into the
11 chairs and left the front table.

12 We have Len Bernstein with us from
13 the Water Department. You know, there's a lot
14 of complex questions being asked and I think
15 after this morning you realize that there's
16 been just a -- the casino process is a quick
17 moving process that doesn't wait for anyone.
18 And that's one of the reasons we have the
19 symposium.

20 There have been a lot of other
21 issues that motivated the symposium. And one
22 of them in particular was the one pipe water
23 system, sewer system that we have in the city.
24 And you know with development there's been a
25 lot of questions, concerns, about the quick

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2 moving development along the water front. In
3 particular, the civic association which I
4 represent, the Pennsport Civic Association,
5 we've had a significant amount of water
6 damage, maybe five, six, seven times in the

7 last three or four years.

8 Now, even though, hopefully, I
9 believe I'd love to see someone handle the
10 global warming issue, but I'm not so sure that
11 we are going to be able to handle that in the
12 very near future here, but there's a lot of
13 other issues with infrastructure we can
14 address.

15 And the fact is, you know, some
16 people have made light of it, but I just want
17 to read a letter, if you don't mind. This
18 comes from the Whitman Branch Free Library.
19 And it was addressed to myself on a little
20 op-ed I did called The Price of Progress. And
21 it said -- you know, I'll do away with the
22 introductory lines, but it said, I recently
23 became Branch Head of the Whitman Library and
24 our staff and patrons have seen firsthand what
25 can happen after a heavy rainstorm in our

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2 neighborhood.

3 After one such storm in August the
4 library was flooded. Our carpeting and
5 woodwork were permanently damaged. We were
6 forced to close for a day. We fear in the
7 future storms will shut us down again because

8 we see further damage.

9 I plan on attending the Delaware
10 River Front Symposium and look forward to
11 participating in the discussion. The Whitman
12 Library staff would be glad to be involved.

13 This is a public library that's been
14 affected by this issue as well as, you know,
15 quite a few neighborhood residents. And I
16 know the issue is getting deeper with each
17 piece of development and each record rainfall.

18 Len has been involved with the Water
19 Department, he is loaded with information.
20 And also we have Joe Feola, his whole team
21 from the DEP, which will be able to transcend
22 each other as we move forward.

23 But what I would like to do is start
24 off with Len. And again, just to start the
25 discussion off, ask him, would you do us a

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2 favor, Len, and give us an idea, how do you
3 get included in the normal -- you know, not
4 the complex project like the stadiums which
5 I'd like to touch on a little bit later and
6 the casinos -- but if you could just give us
7 when someone comes to you with a strip mall in
8 a specific neighborhood, what's the normal

9 process?

10 MR. BERNSTEIN: Thank you, John.

11 Let me first say that whether it is
12 a stadium or a major 1,000 unit condominium
13 development, a strip mall or a two lot
14 residential subdivision, our process is really
15 the same, the extent of review is the same,
16 what we're looking at is the same, the amount
17 of time actually that it takes is different.

18 The more complex the project, the more
19 detailed the review. But we actually look at
20 everything the same way.

21 And the Water Department looks at
22 new development from three different
23 standpoints. We look at it from water supply,
24 we look at it from sanitary sewage disposal
25 and we look at it from storm water management.

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2 Let me start off just with the water
3 supply. We will take every project, no matter
4 the size of the project, and we try to
5 ascertain what the water needs are going to be
6 for that project and then determine whether
7 our system can handle it. Whether it's water,
8 sewer, water or sewer, if there are any
9 changes or modifications to the public system

10 that is required as a result of a proposed
11 development, that developer must make those
12 changes, pay for those changes, actually
13 physically construct the changes and then turn
14 that portion of the system over to us.

15 So we start off looking at it from
16 the water aspect, can we supply the water
17 that's needed? If not, what modifications
18 need to be made?

19 Then we would look at sanitary.
20 There is a Pennsylvania law, in Pennsylvania a
21 law, Act 537, which is the Sewage Facilities
22 Act which requires that sewage facility
23 planning be done for any new development
24 anywhere in the Commonwealth.

25 In the City of Philadelphia I handle

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2 that. And we look at a project, regardless of
3 the size, as to what sort of sewage disposal
4 needs it's going to have, what sort of flow
5 will come from that project and then we look
6 at our system to find out if our system can
7 handle that sanitary flow.

8 For the most part there is no place
9 in the city that we have a problem with what
10 we call dry weather sanitary flow. That's the

11 flow that's in the sewer during dry whether, a
12 day like today, which is strictly a sanitary
13 flow coming from, or sewage coming from
14 residences and stores and buildings, whatever.

15 You mentioned that we have a one
16 pipe system. A one pipe system is called a
17 combined sewer. And a combined sewer is a
18 very large sewer that handles both the dry
19 weather sanitary flow and wet weather storm
20 flow. These are very large sewers that are in
21 grounds. They're also very, for the most
22 part, very old sewers. The newer sections of
23 the city we have what are called separate
24 systems where you have separate sanitary pipes
25 and separate storm pipes.

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2 For where we look at the combined
3 sewers, since the sewers are so large, that's
4 why I can say that the sanitary flow is not
5 the issue. The issue becomes the storm water.

6 As of this past January,
7 January 1st, 2006, the city instituted very
8 strict storm water management regulations.
9 And that's the third component that we look at
10 from any sort of development on a storm water
11 management. Right now for any project that is

12 in excess of 15,000 square feet, a lot in
13 excess of 15,000 square feet, the project must
14 manage storm water, the first inch of storm
15 water on the site, it cannot let it go into
16 the system.

17 Everyone is concerned about
18 flooding. We are concerned about flooding
19 also. What we are doing now as part of the
20 regulations -- and I might point out that all
21 the city actually did was come into compliance
22 with regulations that the state has had in
23 effect for many years. It was just not being
24 extended into the City of Philadelphia. Now
25 we're doing it. And what we are doing is

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2 attempting to take storm water out of the
3 system. That's why the first inch has to be
4 managed right on the site of the project.
5 Whether it be a stadium or a two lot
6 subdivision, a two lot subdivision that's over
7 15,000 square feet in total.

8 And that's what we're trying to do
9 right now as we move forward. And all of that
10 process comes through the Water Department.
11 Every project has to have a Water Department
12 approval before it can go to the Department of

13 License and Inspection, L & I, for the
14 permitting process. We look at it. We have
15 to do the formal Act 537 procedures. Some
16 people may know that as the Sewage Facility
17 Planning Module Procedure.

18 We're doing most of that work on
19 behalf of the Pennsylvania Department of
20 Environmental Protection, DEP in Philadelphia.
21 And it would be no building permit can be
22 issued in the city until we go through this
23 process. And we evaluate, make sure that we
24 have the capacity in our systems for sanitary,
25 make sure the storm water is being managed

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2 before we will allow a project to be moved
3 forward.

4 One thing you did say is a lot of
5 this development is very fast. Well, it may
6 be very fast from the time that the general
7 public is usually aware of the project, but
8 many of these large projects, they're in
9 talking to the Water Department a year or two
10 years in advance of that talking about some of
11 these issues and how to get, you know, to
12 solve these issues, to manage the storm water,
13 to address the sewage flow. And it's all part

14 of our normal day to day process.

15 Hopefully, John, that answers your
16 question in a nutshell.

17 MR. DOUGHERTY: How about across the
18 panel here?

19 REPRESENTATIVE LEDERER: Yeah.

20 Have you been contacted by the city
21 or anyone with reference to the needs of the
22 water and the -- and the movement of water
23 from these buildings into the sewer system?

24 MR. BERNSTEIN: If -- are you
25 referring to normal development or, as one of

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2 the things I've been hearing today which is a
3 big concern that everybody has, the casinos or
4 proposed casinos?

5 REPRESENTATIVE LEDERER: The casinos
6 and the 3,000 new condos, we expect a mile of
7 mayhem on the river.

8 MR. BERNSTEIN: Let me just say that
9 anything that's on water front development,
10 since this is what we're talking about today,
11 any storm water from the water front
12 development we are requiring does not go into
13 the system at all, it goes right to the river.

14 Water Department has storm water

15 outfalls that do go to the river. And all of
16 these new developments, and there's quite a
17 few of them, one of the ones that you could
18 see if we looked out is up river a little,
19 Water Front, Water Front Square.

20 REPRESENTATIVE LEDERER: Right.

21 MR. BERNSTEIN: Just up the road.

22 That's one that all of their storm water is
23 going right out to the river. So any storm
24 water from that is not affecting the city
25 system at all. And again, as I pointed out,

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2 the sanitary flow is relatively small,
3 especially when we have these large sewers,
4 the combined sewers. The sanitary flow is
5 very small.

6 So the sanitary flow is coming into
7 the system, which has no impact on the system
8 at all. The storm water is going out to the
9 river. And what we are requiring is that
10 either they connect into one of our outfalls,
11 if it's near their property, or actually some
12 of them go right through these very
13 properties, or they apply to the state, to
14 DEP, for a permit to have a direct discharge
15 into the river. But they're being required to

16 have all of their storm water out of our
17 system.

18 Okay. Now, specifically, we talk
19 about the casinos. We have a major problem
20 with the Water Department and that's with the
21 proposed Senate bill 862.

22 And actually, I'm going to ask every
23 single resident who is here to contact --
24 well, I know that Representatives that are
25 here are opposing that bill, I think they're

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2 opposing the bill, but I would ask every
3 resident to contact their Representatives and
4 State Senators to oppose the bill. Because
5 one of the things this gaming bill is going to
6 do is take total control away from the Water
7 Department in reviewing and approving sanitary
8 discharge and storm water discharge.

9 This bill will allow the casinos to
10 connect to our system, we would have no say in
11 that system. Connect to the system and do
12 whatever they wanted to do. And instead of
13 having the storm water going into the river
14 they could put all the storm water into our
15 pipe in the street and the pipe in the street
16 may not take it. And we would have no say in

17 that matter. So that's one of our major
18 concerns right now.

19 Casinos have not -- since no casino
20 sites are definite yet they really have not
21 come in to start talking to us. We have had
22 some preliminary discussions with a couple of
23 casino operators. I know Thursday of this
24 week the Trump project was in. I was
25 unfortunately not able to make that meeting.

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2 Next week I think we have a preliminary
3 meeting with Pinnacle Gaming Corporation or
4 something or other for another site. So
5 everything with them is still in preliminary
6 stages.

7 But we are very, very concerned
8 about the Senate bill 862 because we would not
9 be able to do anything if it passes.

10 REPRESENTATIVE LEDERER: Thank you.

11 Can you tell us what is causing the
12 large number of basement floodings in Fishtown
13 and South Philadelphia along the water front?
14 Can you tell us why that's happening more this
15 past year than before?

16 MR. BERNSTEIN: I know it's going to
17 be difficult for people to even believe this,

18 but it's not a matter of increased
19 development, it's more a matter of increased
20 frequency and increased durations of storm
21 events that's causing the systems to become
22 overloaded. These systems do not have a
23 problem during what used to be a typical rain
24 event. Rain events today are just more
25 intense and more frequent than in the past.

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2 And we are in the process of trying
3 to evaluate our system. We've had a number of
4 capital improvement projects that are being
5 developed and planned to be included in the
6 city's capital program to try to address some
7 of these issues. But at this point it is very
8 difficult for me to get into specifics. But
9 we, we do recognize that it's the, maybe it's
10 global warming, we have no idea, but there's
11 an increase in the number of storms and the
12 intensity of the storms.

13 REPRESENTATIVE LEDERER: Well, do
14 you think that this will get worse with the
15 building of so much more housing through all
16 our communities?

17 MR. BERNSTEIN: No, I do not think
18 it will because in the planning process that

19 we go through now. Again, if we look at it
20 from the sanitary standpoint, there's not a
21 problem with the system. It, again, is just a
22 storm water system. And with the new storm
23 water regulations that we have, much of the
24 storm water has to be taken out of the system,
25 can't get into the system in the first place

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2 in the new development.

3 What you also have to remember,
4 there's a lot of areas that are not developed
5 in the city right now that are still paved
6 over. And the storm water that's hitting that
7 is still getting into the system. And what
8 will, in fact, happen is, as some of this
9 larger development takes place, storm water
10 that was getting into the system will be taken
11 out of the system. So that will help
12 alleviate the problem.

13 Is it going to solve the problem?

14 No, it is not. But I can tell you that the
15 development or the planning that we do for
16 development will not cause the problem to
17 become worse.

18 REPRESENTATIVE LEDERER: Thank you.

19 REPRESENTATIVE TAYLOR: Len, could

20 you just -- you said you only had preliminary
21 discussions with any of the casino entitites.
22 Have they at least given you their impact
23 reports as required by the licensure process?

24 MR. BERNSTEIN: As of now we have
25 not seen anything from any of the potential

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2 casino operators other than potential sites,
3 possible sites and preliminary discussions
4 about what they would need to do to comply
5 with our regulations. We have not seen any
6 reports, we have nothing specific. I even had
7 an engineer for one of the sites talk to me
8 this week trying to see if they could have me
9 help them figure out how much sanitary flow a
10 casino was going to generate. That's about as
11 far as we've gone. We have not seen anything
12 formal on any site, only just some preliminary
13 discussions.

14 MR. DOUGHERTY: The State Rep's
15 talking about Appendix 31 of the gaming
16 application was not only, you know, requires
17 that they sit down and give you the impact
18 report, but that they have a series of
19 engineering reports that they're responsible
20 for laying out on how they're going to handle

21 such things as water and sewage.

22 MR. BERNSTEIN: But it would always
23 seem to me that if Senate bill 862 is passed
24 it becomes meaningless because they won't have
25 to give it to us because we would have no

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2 review process or approval process in anything
3 that would connect to our system.

4 Now, that's just for the casinos.
5 We talked about large residential projects on
6 the water front, or anywhere else in the city,
7 no, that's not the case, they have to go
8 through the whole process with us. And it's
9 the same way it's going to be for the water
10 front, Northeast Philadelphia, South
11 Philadelphia or West Philadelphia.

12 MR. DOUGHERTY: Just want to touch
13 on two areas. You mentioned that, you know,
14 that you don't feel, and you're pretty direct
15 in the fact, that the development of the
16 stadiums and the Ikea complex, and I have been
17 using that as the label for the Columbus
18 Commons development, has nothing to do with
19 the increased flooding.

20 I can tell you from, you know,
21 again, being the President of the Pennsport

22 Civic Association, okay, if it's pure
23 coincidence, it's an ugly coincidence because
24 we had somewhere in the vicinity of 45 acres
25 of grass that seemed to be absorbing water and

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2 the minute we had the 45 acres of development,
3 the 100 block of Snyder, the 100 block of
4 McKean, the 100 block of Mifflin, the 100
5 block of Moore, which are all around, they
6 take from around 1600 South to around 2100
7 South, have almost one out of every two
8 serious rainfalls have been accumulating more
9 and more water.

10 Some of my friends in the areas
11 around the stadiums state that when the
12 stadium -- again, I make a living building
13 buildings, but I also live day to day in these
14 neighborhoods and listen to these concerns.
15 This is -- there is something wrong. It just
16 doesn't flesh out. They're saying that since
17 the stadiums the additional basement flooding
18 and, you know, has increased in the vicinity
19 around there.

20 There's Federal lawsuits in San
21 Francisco, other cities that are mandating
22 that they change and upgrade the systems.

23 There's nothing that we could be doing, you
24 know, to -- I mean, how do I go back and
25 answer my neighbors on them 100 blocks when

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2 they stop either on my porch or at the
3 neighborhood civic office and to discuss, to
4 tell them that it's possibly global warming?

5 I mean, to me it seems like it's
6 definitely something mechanical. We got an
7 older, a one pipe system that's very
8 antiquated, that now all of a sudden has a
9 tremendous amount of development using not
10 only its water and sewage, you know, flowing
11 into one the pipe. Just to me that, you know,
12 it seems that it's just an ugly coincidence.
13 It's just something that I think is beyond
14 coincidence.

15 MR. BERNSTEIN: Well, with respect
16 to the stadium complex and all of that
17 construction and development down there, all
18 of that area was impervious to begin with. So
19 all of the storm water that's getting into the
20 system now from all of that development was
21 getting into the system prior to it.

22 Personally, I don't know, the big
23 box developments, I know that you've talked to

24 me about the Ikea's, the Lowe's, personally I
25 don't know what was there beforehand, but most

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2 of these areas were impervious, you know,
3 before where the water was running off is my
4 understanding anyway. So a lot of that is the
5 same.

6 People don't like to believe in
7 coincidences. Some of it is going to be
8 coincidence. We are, I think, all agree that
9 we're getting the more intense, more frequent
10 storms. The systems, yes, the one pipe
11 system, the combined system can only handle so
12 much. And as we get the increased intensity
13 of storms we are exceeding the ability of
14 those pipes to handle it.

15 But it's not a development issue
16 from there. It's really the storm issue.
17 Because, like I said, we're now, at least now
18 taking the steps to take as much of the water
19 out of the system as before. But the same
20 amount of water was getting into the system
21 before as it is now, except it's happening
22 more often. And, you know, what you start
23 looking at the intensity of the rains, we're
24 getting heavier rains now. And when you get

25 all of that at once, it's like even if you

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2 looked at your own bathtub and if you turned
3 the faucet on in the bathtub very slowly, all
4 the water is going to go down. But if you
5 turn it on real fast, it starts to back up,
6 your drain can't handle it, you know, right
7 there. And that's part of what the problem
8 is.

9 I know that doesn't answer the
10 question because, you know, someone who is
11 getting flooding in their basement or
12 something doesn't want to hear that. But it
13 is something that the Water Department is
14 looking at and we're, as I said, we're in the
15 process now of developing capital improvement
16 projects to start to correct that. It's
17 something that cannot be corrected overnight.
18 It's something that's going to take many, many
19 years to try to correct because of the extent
20 of the system is really what it is.

21 MR. DOUGHERTY: I just, you know,
22 again, it's just the amount of water we're now
23 taking in is tremendous and it's no longer
24 backed up overflow or storm flow, you know,
25 we're picking up -- and there's people here

2 today that live in that neighborhood will tell
3 you -- I mean, it's sewers, it's things that
4 are just aren't healthy.

5 And we're here for a series of a
6 inquiries and concerns. And that's basically
7 the basis for the symposium. But there has to
8 be a better answer to increased rain flow.
9 There's something wrong. And what there has
10 to be, the system has to be changed. I mean,
11 there has to be, you know, a two pipe system,
12 you know.

13 I mean, are you telling me too from
14 a -- let's stay in that area, let's -- and
15 then, again, there will be a series of
16 questions from other locales.

17 You're telling me that if we have
18 6 million people decide that -- Foxwood winds
19 up being a casino, on the event given an
20 application, and they move to dead center of
21 Pennsport. And they're saying that they could
22 have 6 million people there. And whatever as
23 of right now, with the Senate bill or without
24 the Senate bill, you notice that without, you
25 know, the oversight when we lose all control.

2 But how about 6 million people visiting
3 Foxwoods right dead center in the heart of
4 Pennsport where we already dead center into
5 the heart of that 1600 to 2100 blocks that are
6 experiencing significant damage -- which is
7 not covered by home owner's in any degree --
8 okay, that these people using sinks and
9 toilets and everything else that go with, you
10 know, the development along that process, I'm
11 worried not only about the storm flow, being
12 able to pick that up, I'm worrying about the
13 dry weather overflow.

14 Explain again what the dry weather
15 overflow, and I have a little bit of
16 experience because we've been on top of it.
17 But basically, the dry weather, that gets to a
18 point where we have, when the -- we hit the
19 system and basically all the sewerage and the
20 disgusting part of that just automatically
21 flows into the river?

22 MR. BERNSTEIN: No. During dry
23 weather, even in the combined system, during
24 dry weather all flow in that pipe goes to a
25 treatment plant.

2 MR. DOUGHERTY: Right.

3 MR. BERNSTEIN: During wet weather
4 in the combined system all of the flow, the
5 sanitary flow, the sewage and the storm water,
6 will go to the treatment plant until the pipe
7 reaches a certain point, which is virtually of
8 full. At that point we have, under the
9 permits issued to us by the state, we have
10 what are known as combined sewer overflows
11 which then allow the highly diluted sewage and
12 rain water, some of it, to overflow into the
13 rivers. All right. But during dry whether
14 none of it goes into the rivers, it all goes
15 to treatment plant.

16 MR. DOUGHERTY: Even in overflow
17 status?

18 MR. BERNSTEIN: It would not be in
19 overflow status in dry weather, we are not
20 permitted to do that.

21 MR. DOUGHERTY: Is there a
22 possibility with the amount of people in one
23 locale that we could ever hit dry weather --

24 MR. BERNSTEIN: No. No, because the
25 pipe would be too big.

2 And as Representative Keller just

3 said, if they built it to our standards,
4 that's one of the concerns that we have with
5 this Senate bill 862. If we have no control
6 over what comes into our system, you know, we
7 would have to assume that our pipes are large
8 enough in dry weather conditions to handle
9 whatever sewage would come from it. But if we
10 have no control over that there's always the
11 possibility that that could happen.

12 I think it's unlikely because I
13 think the pipes are too large for it to
14 happen. But I could not say it wouldn't
15 happen. And we have no control over that.
16 And then we would be fined by the state.

17 MR. DOUGHERTY: I'm going to go to
18 State Representative Keller now because this
19 is your area.

20 REPRESENTATIVE KELLER: As it stands
21 now, you're saying that the casino sites for
22 the casino itself, if this bill goes through,
23 you will have no say over anything that is to
24 do with the casino as far as the water, water
25 and sewer?

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2 MR. BERNSTEIN: That is the city's
3 interpretation of the way the bill stands

4 right now.

5 REPRESENTATIVE KELLER: Let me ask
6 you another question, another part of that
7 bill is associated areas, not just for the
8 casino itself, but for the hotels or for the
9 condos or for the sporting events or for
10 anything else that they could build down
11 there, is it your interpretation that they are
12 also excluded from your --

13 MR. BERNSTEIN: That, I don't know
14 because we're just being told casinos. I
15 don't know about the ancillary residential,
16 sports, movie theaters, whatever. I don't
17 know if that's considered part of the casino
18 or not.

19 But, you know, it's something that
20 that as it stands right now anywhere in the
21 city nobody can connect to our system without
22 our approval. And in fact, when it comes to
23 the water system, we're the only ones that
24 make the actual physical connections because
25 we're trying to protect our system, you know,

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2 for the citizens of Philadelphia.

3 REPRESENTATIVE KELLER: That's
4 another reason why we're here. As you say,

5 the thousand unit condo development that's
6 going on, you have a say in that. And I'm
7 sure with the DEP you can discharge storm
8 water into the river and, you know, and that's
9 the safest and best way to do that.

10 One of the questions we have and I'm
11 trying to get answered is with the
12 association areas, it looks like, the way
13 we're reading it, they would have the same
14 rights that the casinos would have. So that
15 if there is a hotel being built or a condo
16 being built or a marina being built or a
17 sporting event/stadium being built in their
18 complex, you have no -- you cannot predict
19 what will happen and what will happen to the
20 neighbors if the back-up on a development that
21 big?

22 MR. BERNSTEIN: That is the way
23 we're seeing it, yes. As long as it's part of
24 the casino package, so to speak, then we're
25 going to have no say whatsoever and we would

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2 have no control over the impact on our system.

3 REPRESENTATIVE KELLER: And that's
4 why we're here saying that we have to slow
5 down, we need these questions answered. This

6 bill cannot just fly through. We have a lot
7 of tough questions that have to be answered.

8 MR. DOUGHERTY: And they're
9 reference -- the State Representative's
10 talking about Bill 862, which is in the
11 Senate, which is a bill which takes away a lot
12 of the local control over the casino
13 development, gives them access to billboards,
14 access to smoking inside the casino, also
15 access to continuous pieces of land for
16 development, and it allows them to be free of
17 any controls or connections of the city water
18 and sewer.

19 MR. BERNSTEIN: If we have the
20 control and we do the evaluation of a project,
21 whether it be, you know, a large residential
22 project or a casino project, if we look at
23 that and we feel in our judgment that it has
24 or will have an impact on any part of the
25 public system, we will require, before we will

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2 allow the project to receive a building
3 permit, we will require that the developer
4 improve our system at their cost. And with
5 Senate bill 862, it looks like we're not going
6 to have that option.

7 MR. DOUGHERTY: Yes.

8 MS. MACK: Chris Mack. I'm from
9 Costing Square, which is by the Italian
10 Market. And I appreciate your concerns with
11 the Senate bill and your comments on this
12 issue. But my question to you is, we are all
13 concerned about responsibility and
14 accountability and I'm wondering what has the
15 Water Department done to contact our
16 legislators to share your concerns about the
17 Senate bill and urge them not to pass it?
18 Have you contacted the House before they vote
19 on this issue? Have you contacted anyone
20 about your concerns about the problems with
21 this amendment?

22 MR. BERNSTEIN: I do have to say
23 that I'm not personally directly involved with
24 that. But it is my understanding that there
25 has been a task force set up by the Mayor who

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2 is leading the charge, so to speak, the
3 discussions in Harrisburg on behalf of the
4 city. Because apparently Senate bill 862
5 affects more than just the Water Department,
6 I'm only familiar with the Water Department's
7 portion. But my understanding is, yes, that

8 is well under way through the Mayor's office.

9 MS. MACK: But has the Water

10 Department contacted anyone specifically?

11 MR. BERNSTEIN: No, the Water

12 Department works through the Mayor's office.

13 So the Mayor's office and the task force

14 appointed by the Mayor is expressing the Water

15 Department's concerns as well as other

16 concerns from the city.

17 MR. DOUGHERTY: Yes. If you don't

18 mind, there's four or five hands up.

19 Yes, ma'am.

20 MS. PATTERSON: When you're

21 reviewing plan sets for the, under the new

22 storm water management, what are some new

23 specific things that you're looking for that's

24 specific that they require? Or is there just

25 sort of a general set of things that you're

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2 looking for?

3 MR. BERNSTEIN: Well, depending on

4 the type of project and where it's located in

5 the city, any one or all of three components

6 are required. Water quality. Because we are

7 looking at ensuring that any storm water that

8 is getting into the system -- because even

9 with, with our storm water management system,
10 it can only be designed to handle a certain,
11 as it's known as a certain year storm. Which
12 is a storm that, you know, by history occurs
13 maybe once every five years in intensity or
14 once every ten years or whatever.

15 And we are finding that hundred year
16 storms that are supposed to occur once every
17 hundred years are now occurring about every
18 other year. You design it to handle a certain
19 amount of storm water, and if you exceed that
20 storm water because the storm is too great,
21 there has to be an overflow into the system.
22 Or in the case of anything on the river front,
23 you know, everything is going to the river so
24 it doesn't impact the system at all.

25 But elsewhere in the city we are

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2 looking to make sure that the water quality,
3 what's going into the system or into the
4 river, is being somewhat clean. Because you
5 think of water coming off of parking lots and
6 streets, you've got oils, you've got a lot of
7 pollutants in them. And we're trying to do
8 things, require developers to do things to
9 take that out of the system.

10 Our first step is to have the storm
11 water infiltrated right into the ground
12 through infiltration beds. If that's not
13 possible because there's some areas in the
14 city where you cannot do infiltration, there's
15 some areas in the city that the ground has
16 been contaminated over the years because of
17 industry or whatever and you don't want ground
18 water going into those areas, then what we are
19 doing is requiring that the project have a
20 detention basin where they actually store the
21 storm water and then after the storm release
22 it slowly back in the system.

23 So we look at water quality, we look
24 at channel protection, which is trying to
25 protect the streams. And then we look at

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2 flood protection. Those are the three
3 components that we basically look at on
4 projects.

5 Now, not all projects have to comply
6 with all three, you know. It starts to get
7 into the technicalities of where, which
8 watershed the project is located and what kind
9 of project and everything.

10 MS. PATTERSON: Do you have a

11 parameter for how big the detention basin is
12 per square feet?

13 MR. BERNSTEIN: No. It has to be
14 designed to handle the design flow. And I'm
15 not familiar with the exact parameters of the
16 flow. It's basically the first inch of rain
17 over the impervious area of the site, and that
18 has to be managed. So the size of the basin
19 is going to vary. All right.

20 And anyone, actually, if they
21 wanted, they could actually look at the Water
22 Department regulations and look at the Water
23 Department's storm water management manual
24 which we require that developers and engineers
25 follow, all of that information is on line at

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2 www.phillyriverinfo, all one word, Philly,
3 P-h-i-l-l-y, info, i-n-f-o,
4 phillyriverinfo.org, o-r-g. Anybody can go
5 and look at what all the requirements are.

6 And that's actually the way we start
7 to review projects, we require that developers
8 submit information to us through that website.

9 MR. DOUGHERTY: If you're
10 comfortable with it, please identify yourself
11 before you speak purely for the stenographer.

12 Yes, sir.

13 MR. GOPPELT: Ed Goppelt with the
14 website Hallwatch.

15 You have spoken about how Senate
16 bill 862 in your view would not allow the city
17 to recoup its connection costs. In other
18 words, there's going to be this big facility,
19 two big facilities plopped down in the city
20 and whatever it costs to hook those two big
21 casinos up to our sewer system the city is not
22 going to be able to charge for it. Have I
23 understood you correctly?

24 MR. BERNSTEIN: No, I don't think
25 so. It's not so much a connection cost. Yes,

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2 the connection cost is actually part of the
3 plumbing permit fee for the city. But what
4 we're concerned is we would have no control
5 over how they connect to the system or what
6 they're putting into it.

7 So it's not just an issue of, you
8 know, being able to collect the connection
9 fee. That's part of the plumbing permit fee
10 which doesn't come to the Water Department
11 anyway.

12 MR. GOPPELT: What I recall you

13 saying was that if you have a big development
14 coming in and in some way what they're doing
15 is going to overburden the system, they have
16 to build certain things. And that was what I
17 was referring to by connection charge.

18 MR. BERNSTEIN: Yeah, that is
19 correct. Any modifications that are required
20 to the public system as a result of the
21 proposed development have to be done by the
22 developer and paid for by the developer.
23 That's different than a connection fee.

24 There's a connection fee for anybody
25 to connect, connection fee, plumbing permit,

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2 to connect to the system. But you may not
3 have to make any modifications to the system
4 to do that.

5 MR. GOPPELT: So my question is,
6 under this Senate bill 862, would the city
7 still be able to get a developer to build
8 these things or would the city be on the hook
9 for paying for these improvements?

10 MR. BERNSTEIN: It would certainly
11 seem to me that it's going to be the city's
12 responsibility and we wouldn't even know until
13 we started having the problems what needed to

14 be done.

15 MR. GOPPELT: Okay. Let me ask
16 you -- make this more concrete. Have you in
17 the Water Department attempted to put a price
18 tag on what the city is effectively being
19 asked to pay for?

20 For example, the figure I've heard
21 about Foxwood casino is that they expect
22 9 million visitors a year, which works out to
23 about 25,000 people a day. Now, I know within
24 a mile of Foxwoods 50,000 people live, okay.
25 So if we're talking about a 50 percent

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2 increase in the sanitary flow coming from one
3 mile, I mean, how much is that going to cost
4 the city to take care of, to treat, to move,
5 to transport to the treatment center?

6 MR. BERNSTEIN: At this point, no,
7 the Water Department has not done any
8 evaluations like that because we don't have
9 any real specifics at this point.

10 My initial reaction at this point is
11 the sanitary flow would not be a problem. The
12 treatment plants can handle it. Our
13 treatments plants are very large. Everything
14 on the water front goes to our Southeast Water

15 Pollution Control Plant which is by the Walt
16 Whitman Bridge. That plant is designed to
17 handle an average flow of 120 million gallons
18 a day. We currently get something on the
19 order of 85 to 90 million gallons a day. So
20 there's a lot of capacity in the treatment
21 plant itself on a daily basis, and 25,000
22 people additional into that system is
23 literally a drop in the bucket from a sanitary
24 flow, based on everything else.

25 We don't know if there's going to be

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2 impacts. We don't anticipate sanitary
3 impacts, but we don't know where they're
4 proposing to connect. We would anticipate
5 that the problems, if there were going to be
6 problems, would be more localized right at
7 where they would be connected.

8 I mentioned before the Water Front
9 Square project on Penn Street. We look very,
10 very closely at that with all of the sanitary
11 flow that would be coming out of those 700 and
12 some-odd condominium units into the sewer
13 that's in Penn Street. After Penn Street it's
14 not a problem. But Penn Street could
15 potentially be the problem. And we did a

16 complete analysis on that to try to make sure
17 that we wouldn't have a problem there.

18 When we do have specifics from the
19 casinos, that's the reviews, the types of
20 reviews that we do. At this point we have
21 nothing specific so we can't and haven't done
22 any specific reviews or impacts at this point.

23 And right as Representative Keller
24 was just saying, if 862 goes through it looks
25 like we won't have an opportunity to do that

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2 at all.

3 MR. DOUGHERTY: Is the one pipe
4 system compliant with state law?

5 MR. BERNSTEIN: Yes.

6 MR. DOUGHERTY: So it's compliant?

7 MR. BERNSTEIN: Yes.

8 MR. DOUGHERTY: In L.A., okay, the
9 Federal government just successfully sued the
10 city of Los Angeles because of the amount of
11 basements that were being flooded and the fact
12 that they had so many FEMA applications and
13 they had a one -- they had a one pipe system
14 that the Federal government just sued to make
15 them install a two pipe system.

16 What would -- are we monitoring any

17 of these situations? We have to be one of the
18 last large cities standing with a one pipe
19 sewer system. Is there any talk of -- you
20 know, is there any feasibility to ever having
21 a two pipe system other than jumping a couple
22 pipes out of some new development? It still
23 connects into the one pipe system.

24 MR. BERNSTEIN: The extent of our
25 combined system in this city would -- if we

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2 were to try to look at converting that into
3 separate systems, as they're called, the two
4 pipe system, separate system, the extent,
5 first of all, would take many decades to try
6 to complete, if it could be done. Because if
7 you stop and think about the small streets in
8 South Philadelphia, how are we going to even
9 construct new pipes in that? You know, what
10 are the people going to do, you know, while it
11 takes six months to construct something and
12 totally shut everything down.

13 We look to separate where we can,
14 but in many cases trying to separate one block
15 won't do any, you know, won't solve any
16 problems because you really have to start from
17 a treatment plant on back, you know, and just

18 keep working back that way.

19 We look to do it where it's
20 feasible. But in our opinions right now there
21 are not many areas in the city where it's,
22 it's really feasible to do at this point.

23 MR. DOUGHERTY: Okay. Everybody, I
24 want to go to these couple questions, but the
25 other lady I'm going to come back to.

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2 MR. KIRLIN: Ed Kirlin, Pennsport.

3 Len, so Foxwoods projections are 6
4 to 9 million people, eventually 9 million
5 people, then there would be two -- if there
6 are two casinos on the water front, so that
7 would be 18 million people, am I hearing you
8 right that that much sewage is not a problem
9 for our system to handle I mean just in terms
10 of wear and tear on the system?

11 And my second question is, we were
12 talking about the, when there are overflows
13 that have diluted sewage that goes into the
14 river, isn't the dilution less when you have
15 that much more volume of sewage? And isn't
16 there a serious health factor for people to
17 have raw sewage coming into their basement and
18 remaining there and mixing with the air that

19 they breathe and their children breathe?
20 It just seems to me that this is
21 very alarming and no one seemed to be alarmed.
22 It's alarming to the people that are living
23 with sewage in their basement, but to you it's
24 a drop in the bucket.
25 MR. DOUGHERTY: Yes, ma'am.

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2 MS. CORELIEN: My name is Margaret
3 Corelien, I live on 1300 block of Moore
4 Street. And I also find it very hard to
5 believe that it's merely a coincidence that
6 every time there's a back up of water down in
7 the Pennsport area it also backs all the way
8 up into the 1300 block, past Broad Street, and
9 up into Northern Liberties all at the same
10 time, the same occurrence on the same day, the
11 same hour. I find that a little unbelievable.
12 Now, I had really hoped to see a
13 visuals from the Water Department today
14 showing how water flows through South
15 Philadelphia down to the water treatment
16 plant. I think we could have probably been
17 able to understand and appreciate what the
18 system looks like, what its capabilities are
19 and where the bottlenecks seem to be.

20 I understand the waste water
21 treatment plant has this capacity of
22 120 million gallons and it stops flowing
23 during these storm events. And something I
24 didn't know that you just said was that you do
25 have an option during these heavy rainfalls to

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2 divert the water that is filling the sewers
3 into the river. It appears that there is a
4 point at which before they fill up and start
5 backing up, that that level should be
6 re-evaluated so that the water doesn't have an
7 opportunity to back up, that it is the gates
8 or whatever they are, are opened sooner so
9 that that water is discharged far away from
10 our houses. Is that possible?

11 MR. BERNSTEIN: I'm not really
12 prepared to respond to that. We have, and I
13 don't know the details of our permits that the
14 state has given us, I'm not familiar with the
15 specific details on that, if we could, in
16 essence, what are we called as lowering the
17 dams. It's not that there are gates that are
18 opened, it's like a dam that it goes over when
19 it gets to a certain point.

20 MS. CORELIEN: I understand that

21 there's a spot where it goes to a water
22 treatment plant and it bottlenecks at that
23 water treatment plant and then starts filling
24 up so that you can't process it, so you've got
25 to discharge it into the river somehow.

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2 MR. BERNSTEIN: One thing I should
3 point out, just to make sure there's no
4 misunderstanding, when I said the plant was
5 120 million gallons a day, that's the average
6 permitted capacity. The capacity of the plant
7 is actually twice that, 240 million gallons.
8 We can actually handle 240 million gallons of
9 waste water sewage through that plant. But
10 our permit is for an average of 120 million
11 gallons a day.

12 MS. CORELIEN: Then is the problem
13 not the capacity of the treatment plant but
14 the capacity of the sewers?

15 MR. BERNSTEIN: Yes.

16 MS. CORELIEN: Okay.

17 MR. BERNSTEIN: And that's being
18 evaluated now as part of the capital
19 improvement projects that the Water Department
20 is looking to develop and add to our capital
21 improvements program at this time as to deal

22 with capacity issues in your neighborhood as
23 well as others down in that area.

24 MS. CORELIEN: Okay. And I want to
25 take the opportunity to say I'm going to meet

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2 you in person because I have spoken with you
3 over the phone and asked you similar
4 questions.

5 MR. BERNSTEIN: And just to let you
6 know, I specifically talked to the Engineering
7 Division Manager about your situation
8 yesterday.

9 MS. CORELIEN: The corner of 13th
10 and Moore Street experiences -- or the streets
11 that run along where I live experience
12 substantial flooding every time we have a
13 heavy rain. I had damage enough recently that
14 I had to file a claim with my insurance
15 company. Fortunately, for whatever reason
16 when I purchased my house in 2001 I requested
17 sewer back up endorsement. The flood
18 insurance does not cover a sewer back up, but
19 the endorsement does. And I was fortunate
20 enough to at least have that resource.

21 Now, it still is costing me a
22 thousand dollars for the deductible, the

23 maximum coverage is \$10,000 dollars. I'm
24 paying a depreciation on the value of my
25 damage of ten percent and my premium increases

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2 ten percent. They're holding back \$200
3 dollars from my reimbursement and giving me
4 two years to repair the damage.

5 What I have to do is, because the
6 water penetrated and stained and saturated my
7 drywall, I should replace the drywall along
8 the base perimeter of my basement and put new
9 drywall. And I said to my claims adjuster, I
10 would love to do that, but it's going to rain
11 again. So what do I do now? I can't keep
12 making claims against my insurance and have my
13 premium go up ten percent every time it rains.
14 And I can't go through the mess of having my
15 basement redone every few months. And I ask
16 the question, What is the problem with these
17 sewers?

18 I got a sewer map, which I have
19 here, for my street and for 13th Street. My
20 street has 24-inch reinforced concrete pipe,
21 which is a relatively newer sewer line. 13th
22 Street has four and-a-half foot diameter brick
23 sewers, which are at least 100 years old or

24 more. Now, the 1600 block of South 13th
25 Street, which is Morris and Tasker, I

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2 understand gets substantial flooding every
3 time it's raining.

4 And I called Mr. Bernstein, I said,
5 doesn't the Water Department have video
6 equipment to inspect these sewer lines and see
7 what's happening underground so that if the
8 problem is simply on the 13th Street sewer
9 line and is not related to Ikea or anything
10 else, that could be treated as a completely
11 independent problem and issue?

12 And Mr. Bernstein said it's really
13 not his area, he's not operations, but he
14 would forward my question to the Deputy Water
15 Commissioner. That was a couple weeks ago.
16 He said let me know if you don't hear from
17 them. I did not hear from them. I called him
18 back, he reforwarded my question.

19 So I'm looking forward to hearing
20 from the Water Department about the condition
21 of these sewers. I'm concerned that these
22 bricks that are 100 years old possibly the
23 grout that's holding them together is
24 disintegrating and is collapsing, is that a

25 possibility?

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2 MR. BERNSTEIN: Yes, that is a
3 possibility. But believe it or not, we find
4 that a lot of these older brick sewers are in
5 perfect condition today. Because we do -- you
6 had asked if we have the television equipment.
7 We've had several crews that that's all they
8 do is they go out and they TV sewer segments
9 to determine if there's any problems. And
10 while it's not the case with all brick sewers,
11 we find that many of the brick sewers are in
12 better condition today, even being 100 years
13 old, than some reinforced concrete sewers that
14 were put in 50 years ago.

15 So it's difficult to say, you know,
16 about any specific area. But yes, your
17 concerns are legitimate, it could specifically
18 be a problem.

19 And I do have to admit that when I
20 was first asked to come be a part of this,
21 that I was going to be talking about the
22 planning process and the storm water process
23 with respect to the casinos and the water
24 fronts. And it wasn't until late yesterday
25 afternoon that I found out that these flooding

2 issues were going to be addressed. And I have
3 to admit, I am not totally prepared to respond
4 to all of those because I'm not in the
5 operations division, I'm in the engineering
6 and planning division, but I'm trying to do
7 the best I can.

8 MS. CORELIEN: Right. I appreciate
9 that.

10 MR. DOUGHERTY: If you don't mind,
11 we'll get back to you. I got a lot of hands
12 here and I'm being told there's a lot of
13 questions in the back.

14 Just so you know, basically to wrap
15 up, and I don't want to put words in your
16 mouth because I got a ton of respect for you
17 and I understand the awkwardness of all the
18 flooding and the concerns, and it's not
19 specifically -- and I also know you work for
20 someone, okay. And I have had meetings on
21 behalf of our community with the Managing
22 Director and the Water Commissioner, okay,
23 where these things, these same concerns are
24 starting to pile up.

25 And every one one of your concerns,

2 yes, there are structural concerns,
3 eventually. Your basement can't absorb water
4 and floods and it's not even coming in from
5 the pipe. You know, there's a reason why
6 these pipes are breaking all over the city
7 too. Okay. I mean, if I lived -- some of our
8 friends here in Northern Liberties, they've
9 had two or three major floods in the last
10 couple years. It's just not the increased
11 water flow, it's the antiquated system in
12 which we have here.

13 And one of the questions which was
14 answered, you know, by Len is, hey, look, it's
15 an awkward situation, it would take a lot of
16 time and a lot of money.

17 MR. BERNSTEIN: And I do have to say
18 that we do replace sewers. I don't know the
19 number of miles that we do every year, but we
20 have a capital improvements program that does
21 replace sewers and water mains every year.
22 And there's a lot of criteria that goes into
23 which ones get replaced. But we have an
24 ongoing program that does that, but it just
25 can't handle everything.

2 MR. DOUGHERTY: No.

3 MR. BERNSTEIN: And we spend
4 probably \$30 to \$40 million dollars a year in
5 replacing water mains and sewers. And part of
6 our capital program --

7 MR. DOUGHERTY: And part of it is to
8 replace. And if I'm not, you can correct me
9 if I'm wrong, it's also every time we have a
10 water break, okay, we're in violation of all
11 type of laws, right? Every time we have a
12 water break, correct? I mean, in violation of
13 the amount of chlorine that's pumped into our
14 system to make our water usable, every time a
15 pipe breaks and the chlorine flows into some
16 of the other channels, that the city's held
17 and/or fined.

18 I mean, look, somebody -- this is a
19 tougher issue. I mean, people do not want to
20 sit, you know, and invest significant amounts
21 of money in finished basements, okay, and
22 consistently have them flooded and being told
23 that the capital budget -- that's why we're
24 having this. Somebody is saying, hey, okay,
25 maybe we have to take the formula Los Angeles

2 did, maybe we have to partner up with the
3 Federal government and lead a lawsuit that
4 changes the system, you know, a mandate.

5 I mean, I thought that, you know,
6 we're here so that we give ideas to some of
7 our legislative leaders, some of our city
8 leaders and tell them, hey, it's a problem,
9 it's a consistent problem here, there's an
10 infrastructure problem. The system's
11 antiquated.

12 There's a reason why we're one of
13 the few large cities left that has a one pipe
14 system. And there's a reason why there's
15 major lawsuits going across the country, okay,
16 because of the amount of flooding and the
17 amount of FEMA applications.

18 Now, you mentioned that there's
19 some -- we talk about discharge, the discharge
20 regulated by the state. It might be a nice
21 time to bring in the DEP into this
22 conversation.

23 With us today, we have Joe Feola,
24 because he brought his -- we have John
25 Kennedy. You didn't give me an middle initial

2 so I don't know, I don't know if that's John

3 F?

4 MR. KENNEDY: J.

5 MR. DOUGHERTY: John J. Kennedy,
6 he's the Assistant Regional Director. We have
7 Ken Anderson, who is the wetland and
8 biological to my right. And we have Meg
9 Murphy, who is an attorney. And I'm surprised
10 we didn't have more attorneys here today.

11 Is there any questions or concerns
12 we want to jump into with the DEP as well as
13 the Water Department? We still got a good one
14 hour.

15 We're going to change the
16 stenographer's tape.

17 The remediation issues for the
18 properties along the water front, you know,
19 what we go through when we go from past
20 industrial use to commercial and residential.

21 MR. KENNEDY: As to the Land
22 Recycling Act, Act 1, 2 and whatever, of about
23 ten years ago, is a voluntary program that
24 property owners who want to redevelop
25 contaminated fully industrial usage sites can

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2 come to the department and propose to clean up
3 that site to various standards depending on

4 the proposed use. There are residential uses,
5 there's non-residential uses. They're all
6 risk based standards that have to be met to
7 show that they can meet those standards.

8 As part of a developer's proposal to
9 clean up and reuse properties for new
10 development for whatever the purpose may be,
11 if they come through Act 2 and do the clean up
12 in accordance with the standards, they will
13 get liability release after the clean up is
14 done covering themselves from any future
15 liabilities related to the contamination that
16 they knew about on the site that they cleaned
17 up through the Act 2 process.

18 That's how the reuse of contaminated
19 properties along the river and other areas in
20 the city and across the state, to bring these
21 properties back into productive reuse. It's a
22 voluntary program. We work with them
23 throughout the process, we review site
24 characterization reports, remediation
25 proposals and after the fact confirmation that

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2 the clean up was done to the appropriate
3 standards.

4 And as part of that it could either

5 be cleaned up and ready for someone else to
6 purchase the property and come in with a
7 redevelopment plan, or the clean up can be
8 done as part of a concrete development
9 proposal. But it's all the same process
10 through the Act 2 program. And that's how you
11 get the project cleaned up and redeveloped.

12 MR. DOUGHERTY: Thank you.

13 Questions, DEP?

14 Yes, ma'am.

15 MS. PATTERSON: Actually --

16 MR. DOUGHERTY: Your name, please?

17 MS. PATTERSON: I'm sorry, Sue

18 Patterson, I'm with the Northern Liberties

19 Neighborhoods Associated Boards.

20 Two questions. One, how many
21 properties are affected by that program at
22 this point?

23 MR. KENNEDY: Lots of properties.

24 MR. FEOLA: About 1,500.

25 MS. PATTERSON: I'm talking

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2 specifically along the water front.

3 AUDIENCE MEMBER: What was the
4 question? Repeat your question.

5 MS. PATTERSON: I'm just asking like

6 which river front -- how many river front
7 properties are currently in that status?

8 MR. KENNEDY: Well, you can pretty
9 much count any formerly industrial use
10 property that right now has been maybe sitting
11 vacant, that there's probably contamination on
12 that property up and down the Delaware, up and
13 down portions of the Schuylkill. If it had
14 industrial use in the past there's probably
15 something there that -- at least you have to
16 find out whether there's something that needs
17 to be cleaned up before you can redevelop it.

18 MS. PATTERSON: One other question,
19 if you don't mind. When you're reviewing
20 something like, you know, for Act 537
21 compliance, how do you calculate flow for
22 something that could be as much a 25,000
23 people a day? It's not your typical
24 250 gallons per day for a household.

25 MR. KENNEDY: We have certain flow

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2 standards that are used in Act 537.
3 Generally, that an equivalent dwelling unit
4 like a residential house would be somewhere in
5 the 250 gallons per day range.

6 If you're talking about a visitor to

7 a casino, I know it's well below. If it's
8 250 gallons a day, and that's per a single
9 house for maybe four people, you're talking 80
10 or 90 gallons per person per day. I'm
11 guessing we have, and I'm estimating, we have
12 a number somewhere between ten and maybe
13 30 gallons per day per person that would visit
14 a casino. I don't know what the exact number
15 is. Like Len, I'm not into the hard details
16 every day. But it would be a much smaller
17 number than what you would use to estimate a
18 person who is living in a house, taking
19 showers, usage a washing machines, using
20 dishwashers and whatnot. So it's going to be
21 considerably less than the gallons per person
22 per day in a residential structure.

23 MS. PATTERSON: What would be the
24 process -- I know in the Act 537 you have to
25 do it every year. You know, what happens like

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2 when you're monitoring your flow in those
3 reports every year and you find the casino is
4 going to trip it over the edge and the
5 planning and building is already set?

6 MR. BERNSTEIN: What we actually
7 do is -- I'm sorry, John.

8 MR. KENNEDY: Go ahead, Len.

9 MR. BERNSTEIN: What we are looking
10 at in Philadelphia, we did, with the
11 consultant and developer, we did a very
12 extensive study for residential and commercial
13 type of flows. We have flows that are a
14 little different than the state uses.

15 When it comes to the casinos we're
16 all treading in an area that we don't know.
17 And I think I had mentioned before that an
18 engineer for one of the casinos that came to
19 me this past week and said, How are we going
20 to figure this out? And I said, I don't know.
21 And I said, One of the things that you should
22 do, and as far as I know, that these
23 casinos -- they wouldn't even tell me which
24 casino, so I don't know. As far as I know,
25 any casino operator who is proposing to come

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2 into Philadelphia is a casino operator
3 somewhere else. And I said to that engineer,
4 I said, What you need to do is just like we
5 did with the residential study, we got
6 statistics from all sorts of different types
7 of developments. You need to go to casinos
8 that are in Atlantic City, in Las Vegas, you

9 know, Foxwoods up in Connecticut, start to
10 find out what sort of water usage they have
11 versus how many people are coming into it.
12 That will give us a basis of, you know, at
13 least something to start with.

14 And then being engineers, engineers
15 are very, very conservative, and we'll put a
16 factor of safety on there and if it comes out
17 that based on water usage in other similar
18 type casinos is coming out to ten gallons per
19 day per person, we may say, Well, that's fine,
20 let's use 15 or let's use 20 per person to be
21 conservative so we don't run into a problem
22 down the road of, Well, we didn't estimate
23 high enough or something. That's all part of
24 our planning process. But, you know, until we
25 get some more statistics and figures it's hard

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2 to say right now what's going to happen.

3 That's one of the reasons we don't
4 know what the impact is going to be. And
5 we're very concerned about that. And we, you
6 know, we're trying to make sure that we're
7 part of that process. And, you know, luckily,
8 we work hand in hand with the state on all
9 sorts of things. Again, this will be one of

10 those things that we're going to work hand in
11 hand with them. Because any of these projects
12 not only will we have to end up approving it
13 under Act 537, it's going to have to go to DEP
14 to be approved for Act 537 as opposed to
15 smaller projects that we just approve upon our
16 own.

17 So it's still -- we're going to be
18 working together on that to try to make sure
19 that we're comfortable before it moves
20 forward.

21 MR. FEOLA: Okay. Just to follow up
22 a little bit about what Len said, because it
23 didn't come out until just now, we issue the
24 537 plan approval. We approve it or deny it
25 based on the available capacity of sewage

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2 facilities. What the city does and what every
3 municipality does is certify to us in the
4 PO2Ws, the people who own the treatment plant,
5 they certify that there's available capacity
6 at their treatment plant. And then we look at
7 that and recalculate it and look at what's
8 called the Chapter 94 report.

9 And 94 says, this is what the
10 average flow has been for the last five years,

11 here's our projected average for the next five
12 years. And when you cross the design
13 capacity, you can't get any more connections
14 until you start and implement a plan to
15 provide additional capacity for the sewer
16 system. Because what we don't want to have is
17 a development get halfway built and find out
18 it shouldn't have been built.

19 So what we do, we look and we make
20 the projections. Our regulations do have
21 numbers. Now, if you look at the regs, they
22 refer to on-lot systems, not through PO2Ws.
23 But we're using the same numbers. And it
24 tells you what's out there and what you should
25 be looking at when you're building a

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2 condominium, when you're building a visitors
3 center, when you're building a school,
4 whatever. And they're the numbers we
5 recommend.

6 But they can, like Len said, if they
7 come in and say, We have this casino here and
8 we've done a flow monitoring and this is what
9 their water usage is and that's what their
10 sewer usage is, we could accept that number if
11 it's different than what we have. It may be

12 higher, it may be lower, but we can accept
13 that.

14 But the process starts with the
15 applicant going or the developer going to the
16 city and saying, this is what I want, this is
17 how much flow I have, do you have capacity?
18 Then the city says, Okay, we think you do.
19 They then give it to us and we have to confirm
20 that they do. We look at them. We have areas
21 in the city right now where we've notified the
22 city under 94 that they're required to
23 prohibit connections until some additional
24 capacity has been provided. We do that on a
25 routine basis. Not many in the city, because

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2 the plant is so huge, it can handle almost
3 everything.

4 Somebody asked earlier about the
5 regulators. They open automatically. There's
6 nobody pulling a button or pushing a button to
7 let them open and close, they just
8 automatically open when you reach a certain
9 level.

10 The city has been doing some
11 outstanding work under -- the Federal suit you
12 mentioned, I'm not sure how that happened

13 because there is a Federal program called the
14 combined sewer overflow program, and it has
15 like seven steps or seven points that each
16 municipality with combined sewage has to
17 address. The city was the first in
18 Pennsylvania to do that. They have still, I
19 think, the best program of all the combined
20 sewer systems.

21 But they do have problems. We are
22 getting more rain. Up in the counties that
23 contribute to the city, to the sewer system,
24 they're not doing storm water management.

25 The historical stuff, there's

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2 nothing in our regs that's going to go back
3 and retrofit developments. And that's where
4 the problem really is. We're looking at new
5 development and we're requiring post
6 construction management controls. And what
7 we're saying is what was the flow before the
8 development? You measure the flow from what
9 was there before and you can't have anything
10 more, unless you go through this real big song
11 and dance of why you can't do anything.

12 There's a whole list. We have the
13 best management practice for management, storm

14 water management, you have to pick a whole
15 bunch of choices and you have to implement
16 them. And when you've done all that and you
17 still have an increase in flow, then we can
18 allow it, probably allow it. But most of the
19 time we're fighting that battle to not allow
20 any increased flow so that the problems don't
21 get worse.

22 Can I guarantee that? No. But
23 we're forcing that issue and we haven't gotten
24 any appeals yet and I'm waiting for the first
25 one. We are going to continue to force that

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2 issue. So that when a new development comes
3 in we have, we have a guess, because nobody's
4 built around here a casino before.

5 We've issued permits in Chester for
6 the Chester Downs Casino, and they've gone
7 into reports. So they, probably right there
8 we can look at what we've done there.
9 Philadelphia Park has built a casino, or, you
10 know, slot parlor. And we can look at the
11 numbers there too to see what we've done
12 there. That comes here from Bensalem.

13 MR. BERNSTEIN: And if I could
14 interrupt you for a second, Joe. You talked

15 about Philadelphia Park, that feeds into the
16 Philadelphia system, and they have yet to come
17 and talk to us about it. And that's adding
18 to, you know, the problems that we're having
19 up in the Northeast. We have no idea what
20 they're doing on that because they haven't
21 talked to us.

22 MR. DOUGHERTY: When they talk to
23 you, Joe, do they talk to you about not only
24 the permanent, but the temporary slots parlors
25 that they're going to have up and running?

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2 MR. FEOLA: Okay. Again, they have
3 to talk to us about everything. If you're
4 going -- if 537 says that you're going to have
5 a development of two lots or more, which is
6 800 gallons, you need to come in and get a 537
7 plan approval. Every municipality in the
8 state has to have a plan, 537 base plan. And
9 what we look at is that you're staying
10 consistent with the plan. So you have to know
11 in advance that you have adequate sewage
12 capacity before we will approve anything under
13 537.

14 And I wish I had a nickel for every
15 site that's out there that we stopped from

16 development because they don't have
17 adequate capacity, it's not just in the city,
18 it's all over the five county region.

19 And you want to talk about getting
20 beat up? You try and stop a developer who is
21 all the way down the line and ready to start
22 building and we say, Oops, no capacity. That
23 gets real ugly. But nobody sued me yet so I'm
24 going to keep doing it.

25 MR. BERNSTEIN: And just, again,

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2 sorry to interrupt, but in Philadelphia we
3 take it one step a little bit further than the
4 DEP does with respect to 537. I require that
5 any development, any proposed development that
6 will result in any sewage flow coming through
7 the 537 process, DEP has a limit below which
8 it could be waived, but I don't waive it.
9 It's got to come through me for review before
10 they can move forward with the project.

11 MR. FEOLA: Okay. So I don't know
12 if I made that better or worse, but that's
13 what what we are doing.

14 MR. DOUGHERTY: I got Mark Stier
15 here, I have one more question and that
16 probably transcends both you guys, okay, and I

17 got a few questions on environmental issues
18 that we'd like to discuss.

19 MR. FEOLA: Do you want to see Ken's
20 presentation?

21 MR. DOUGHERTY: How long is that
22 presentation, Ken?

23 MR. ANDERSON: 21 slides.

24 MR. DOUGHERTY: 21 slides. Okay.
25 How about we continue to do --

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2 MR. FEOLA: That's alright, we can
3 do question and answer.

4 MR. DOUGHERTY: I got two questions
5 here, we got one questions in the audience, I
6 got one question about environmental issues,
7 then we'll go to the slide show.

8 MR. FEOLA: Okay.

9 MR. DOUGHERTY: Okay. Why don't you
10 go, Mark?

11 MR. STIER: Mark Stier, S-t-i-e-r,
12 from Neighborhood Networks.

13 I can understand why moving from a
14 one pipe system to a two pipe system would be
15 totally crazy in how expensive it would be.
16 But clearly, any place we do it, it reduces
17 demand on the system. It seems to be one

18 thing that we ought to think about where in
19 the city can we do that and reduce the demand
20 on the system?

21 The second thing is, I know there
22 are a lot of modern construction techniques
23 which the city requires to minimize storm
24 water flow. And there are a lot of things
25 that cities that are a little greener than

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2 Philadelphia, like Chicago, is doing,
3 requiring, you know, grooves that have grass
4 and trees and other things on them that hold
5 water, replacing impermeable surfaces with
6 permeable surfaces, that also reduce demand on
7 the system or probably reduce the problems
8 that are created when we have heavy storms,
9 which probably are not going to go away.

10 My question is, to what extent can
11 we retrofit those buildings that are already
12 existing, those parking lots that are already
13 existing? I understand it would be unfair to
14 the owners of those parking lots, I understand
15 it would be unfair to the owners of the
16 buildings to require them to do it, but can we
17 partly subsidize that?

18 And is some of that retrofitting, in

19 fact, going to be things that would benefit
20 the builders, the owners of the building? You
21 know, for example, if some of them chose green
22 roofs, for argument sake, not only do you deal
23 with storm water problems, but in fact reduce
24 heating costs. So would some program that,
25 say, provided a long term loan at a low

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2 interest enable building owners to do some
3 retrofitting that would ultimately benefit
4 them and benefit the city and reduce the
5 demand on the storm water system?

6 MR. KENNEDY: The state has the Penn
7 Invest Loan Program, the Pennsylvania
8 Infrastructure Investment Authority. And
9 there are now loans available for storm water
10 projects. They would have to be -- come
11 through the city as the sponsor for the
12 project. But there is storm water money
13 available at low interest loans if the city is
14 interested in pursuing some of them.

15 I don't know whether any of that is
16 any of your capital improvement plans or
17 upcoming plans, Len?

18 MR. BERNSTEIN: Well, we -- no, we
19 don't actually have anything in our capital

20 improvement plans for that, for retrofittings.

21 You know, we certainly encourage it. But

22 unless there's a regulation or something out

23 there that would require it, it's very

24 difficult to try to get somebody to do that.

25 You talk about green roofs and

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2 everything. We're seeing more and more

3 projects today that are having that because

4 that's one of the things that comply with our

5 new storm water management regulations. We

6 get pervious pavement, pavement that's going

7 to allow the water to run through it. What we

8 are trying to get development to do is remove

9 or disconnect, as we call it, as much pavement

10 impervious area, as possible.

11 Sometimes if you take a building,

12 and in Center City where they're trying to do

13 a whole block just to get, you know, a 500

14 unit condominium or something, and it's

15 required to do storm water, they have -- the

16 only option they have is a green roof, is

17 really what it comes down to. So we're seeing

18 all sorts of things throughout the city.

19 You know, again, it's trying to

20 maximize -- well, they have to manage the

21 first inch of storm water on site, it can't
22 leave the site. And we're coming up with some
23 developers who are being very, very innovative
24 and creative in coming up with things. And we
25 try to work with them very, very closely.

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2 We are trying to work with the
3 school district in setting up a lot of these
4 because the school district is undergoing
5 massive capital improvements. And in fact,
6 when I was talking to John earlier, he and I
7 are both going to be at something, a symposium
8 type or seminar type thing at the School
9 District on Monday, to go over all of these
10 issues so the School District can comply and
11 make things better moving forward.

12 But everything is more geared
13 towards moving forward. You know, there's
14 limited resources, both manpower and
15 financial, to start looking backwards. But
16 we're certainly encouraging it. We have an
17 Office of Watersheds that will work with
18 anybody to try to come up with grant money,
19 whatever they can to try to retrofit
20 everything that's going on.

21 We're even -- some areas of the city

22 we've done, you know, contrary to the plumbing
23 code, we've gotten waivers from the plumbing
24 code, to have rain barrels installed so rain
25 water could be reused. We are trying to be

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2 very creative. We would like to see more of
3 like DEP has at their regional headquarters
4 where they're reutilizing the storm water for
5 flushing toilets. We'd like to see that in
6 the city. But part of the problem is
7 regulations don't allow it right now.

8 MR. STIER: You're interested in
9 perhaps taking advantage of all the Federal
10 money available for these kinds of programs?

11 MR. BERNSTEIN: We certainly try to.
12 You know, again, that's an area that I'm not
13 directly involved with. I just know that
14 there's a unit that does do that.

15 MR. KENNEDY: I'd like also to add
16 that in addition to low interest loans,
17 Growing Greener does fund storm water
18 projects. And that is a source of funding for
19 retrofitting existing situations. You know,
20 if there's a good -- if there is a good
21 project that can, you know, demonstrate that
22 it should be a high priority, I mean, there's

23 always that, that possibility of obtaining a
24 Growing Greener grant. In fact, there's a
25 round coming up, I think next month. But

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2 again, you have to have a basic project down
3 on paper as far as what you want to do.

4 MR. DOUGHERTY: How about I'll read
5 the one question I think transcends both of
6 you, and then we'll move to the slide show.

7 What is the impact or what happens
8 when the river is, quote, unquote, up? When
9 the river is at that level, what's up with the
10 overflow pipe?

11 Okay. Basically, I guess, Len.

12 MR. BERNSTEIN: That's an operations
13 issue. My understanding is the tidal impact
14 of the river has no effect on our system at
15 all.

16 MR. FEOLA: I think what Len was
17 saying is that the head that builds up from
18 the regulators is higher than the level in the
19 river, and it will force the water out.

20 One of the things, like the lady who
21 had a problem, one of the things they could
22 look at for their own homes is looking at
23 putting back flow preventers into their

24 lateral going out to the street. So that when
25 the water backs up it wasn't -- it won't get

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2 in their homes. We've encouraged the city to
3 do that. In fact, in an area where we found
4 some illicit connections they did go out and
5 work with the people to do something.

6 REPRESENTATIVE KELLER: Isn't that
7 again like a catch 22? You put a back flow
8 preventative on but all the storm water is
9 again going through the pipe catching, if the
10 back flow preventer is shut, then all the
11 storm water backs up?

12 MR. FEOLA: No, this is on the home,
13 this is on the home.

14 REPRESENTATIVE KELLER: That's what
15 I'm talking about.

16 MR. FEOLA: Well, there's no storm
17 water coming through the basement of the
18 house, it's just the sewage from the house.

19 REPRESENTATIVE KELLER: Where's the
20 water from the roof going?

21 MR. BERNSTEIN: What you would have
22 to do --

23 MR. FEOLA: It should be going out
24 -- hopefully, it's not going into the sanitary

25 sewer. I don't know.

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2 MR. BERNSTEIN: It's combined.

3 MR. FEOLA: Oh, it is? Okay.

4 But it still doesn't go in through

5 the lateral coming out of the house, it

6 probably connects out in the street somewhere.

7 REPRESENTATIVE KELLER: No, it

8 connects through our basements.

9 MR. BERNSTEIN: It will go into --

10 what you would have to do with that --

11 MR. FEOLA: Then that won't work.

12 REPRESENTATIVE KELLER: That won't

13 work?

14 MR. BERNSTEIN: No. What you could

15 do with that, and this is why each, each case

16 would have to be individually evaluated, you

17 can connect the roof leaders on the street

18 side of back flow preventers. All right.

19 REPRESENTATIVE KELLER: That's nice

20 maybe in the suburbs. But I think in our case

21 that would mean our downspouts would have to

22 be on the front of our homes and our roofs are

23 pitched the other way.

24 MR. BERNSTEIN: Well, that's what

25 I'm saying, each one has to be looked at

2 individually.

3 REPRESENTATIVE KELLER: Our whole
4 neighborhood is that way, our roofs are
5 pitched from -- back to the rear, all the
6 storm water is collected in the back of the
7 house, put through our four-inch soil pipe and
8 leads out into our, what do you call it,
9 combined system. We put a back flow preventer
10 on, the back flow preventer will shut the
11 water from coming from the outside, but all
12 our storm water will then back into our
13 basements again. I mean, this is -- we've got
14 problems.

15 MR. DOUGHERTY: Does DEP have a --
16 have you taken a look at Senate 867 bill?

17 MR. FEOLA: Our legislative office
18 in Harrisburg has.

19 REPRESENTATIVE KELLER: 862.

20 MR. DOUGHERTY: 862.

21 MR. FEOLA: They will be commenting
22 or may have already commented.

23 And do I say anything other than
24 that?

25 MS. MURPHY: I think they've

2 commented and they have communicated to the
3 governor's office. They're concerned.

4 MR. DOUGHERTY: So your reg book is
5 part of the governor's response?

6 MS. MURPHY: I don't know.

7 MR. DOUGHERTY: He sent a letter out
8 basically questioning and opposing the bill.

9 MR. FEOLA: Oh, he did?

10 MR. DOUGHERTY: The amendments.

11 MS. MURPHY: That's on the 16th
12 Floor. I know that we've commented.

13 REPRESENTATIVE KELLER: Can I ask
14 you one more?

15 We've done many riparian rights
16 bills and we've always -- we've had to work
17 with you guys.

18 MR. FEOLA: Right.

19 REPRESENTATIVE KELLER: Do you know
20 if 862 as it's written now, does that take
21 out, because it's just granting to whoever
22 wins the licenses the riparian rights, would
23 that take DEP out of the process?

24 MR. FEOLA: I haven't seen the bill.

25 MS. MURPHY: I think as it's

2 drafted.

3 REPRESENTATIVE KELLER: As it's

4 drafted.

5 MS. MURPHY: I'm sorry. As 862 is
6 drafted it would take DEP out of the process.

7 REPRESENTATIVE KELLER: So DEP would
8 have no say on the riparian rights that are
9 being granted to the casinos?

10 MS. MURPHY: That's my
11 understanding.

12 REPRESENTATIVE KELLER: Oh, that's a
13 good idea. That's facetiously. I know that
14 doesn't come through on the --

15 MR. FEOLA: I can see the
16 commercials.

17 REPRESENTATIVE KELLER: Yeah, I can
18 see the commercials now.

19 MR. FEOLA: The tape will be edited
20 appropriately.

21 MR. DOUGHERTY: Okay. We have one
22 more question and I'm going to do the slide
23 show.

24 MR. KIRLIN: I don't know if anybody
25 asked this question already, maybe we should

2 have had the Health Department here because

3 I'm curious at what point does a house become
4 unfit for habitation with these repeated
5 inflows of sewage into their basement?

6 And second, and somebody may have
7 already asked this question, is what happens
8 to the outflow capacity when the river is up
9 after four days of rain and the river meets
10 the outflow pipe or that trigger mechanism we
11 talked about, where it's not a problem in dry
12 weather but in rainy weather it is. So if the
13 river is up past the pipe, what happens?

14 And one last question, you mentioned
15 about you are only required to manage storm
16 water for one inch of rainfall. But given the
17 increase in the storms that we're having,
18 should we maybe not be looking at increasing
19 that one inch to two or three inches for storm
20 management?

21 MR. BERNSTEIN: Let me take your
22 second part first.

23 One of the things that we are
24 looking at right now is basically any
25 development that involves less than 15,000

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2 square feet of surface area. That is not, you
3 know, total building area. That is not

4 required to go through the storm water
5 management process. We are looking at
6 lowering that to 5,000 square feet. So we're
7 going to capture more of the storm water or
8 manage more of the storm water under that
9 aspect.

10 Should it be raised? That's
11 something I don't know if our Office of
12 Watersheds is actually looking at. But I'll
13 certainly bring your concern to them. Because
14 they're the ones that developed it. I don't
15 know if that is directly from the state's
16 requirement or not.

17 MR. KENNEDY: I think it is. I
18 think the 5,000 square feet would be
19 consistent.

20 MR. BERNSTEIN: Oh, no, 5,000. But
21 I mean one inch, I don't know if the one inch
22 is consistent with the state or not. But
23 5,000 is going to be consistent with the
24 state. And which is being done in the suburbs
25 right now also. But it's also very difficult

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2 to try to have no controls and then almost
3 immediately overnight control everybody. So
4 it's trying to be phased in to a certain

5 extent.

6 On your first question there about
7 the flow. As Joe brought up, he said the
8 head. What the head is is the pressure of the
9 river, the pressure of the water in the river.
10 When that comes up the pressure from the water
11 in the pipe coming out is still greater than
12 what's in the river and it will still allow it
13 to go out.

14 That was one of the questions I
15 think Representative Keller was alluding to
16 with the back flow preventers. It's the
17 pressure in the pipe that would keep the back
18 flow preventer from opening because the back
19 flow preventer is to keep water from going
20 back, but it allows water to go in one
21 direction but not backwards. But there
22 wouldn't be enough pressure or head, as it's
23 called in engineering, to let water go out
24 into the system.

25 REPRESENTATIVE KELLER: On that

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2 point, and I'd like to reiterate, the problem
3 we're having in our neighborhoods is that, as
4 you guys have seen, there's no solution to our
5 problem because even if you put a back flow

6 preventer on we're going to flood out because
7 our storm water will flood us out. So that's
8 a big problem.

9 And I know you're telling me that
10 this is, you know, we've had the highest rain
11 that we ever had in a hundred years, but
12 believe me, within a couple months we will be
13 hearing we're in a drought. So we're going to
14 be hearing we're in a drought, you're saying
15 we had the highest rain we've ever had and our
16 basements are going to continue to flood out
17 and the only thing that people could look to
18 and see is that the new development, the only
19 change in that equation has been the new
20 development and the removal of the permeable
21 land.

22 I mean, the land that we had down at
23 the Ikea was permeable, it was all an old
24 railroad lot and there was a lot of space for
25 that water to seep in there. So I mean, we're

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2 hearing, I mean, I don't like what we're
3 hearing, you're saying there's no solution to
4 us. But we're telling you that going on in
5 the future we're going to have to take a
6 harder look than we ever did before in this

7 future development because it is impacted in
8 the neighborhoods and it's not supposed to.

9 MR. BERNSTEIN: And that's what we
10 are trying to do in movement forward. It's as
11 the one gentlemen said, what can we do to
12 retrofit in terms of, maybe that's where
13 something, more regulations and requirements
14 need to be put into place because it's very
15 difficult to try to get something like an Ikea
16 to retrofit.

17 MR. FEOLA: One of things that --
18 and I keep mentioning this to municipalities
19 outside the city -- every time a developer
20 comes in and wants to put in their project, I
21 sit in, the municipality usually gets
22 something. And I think the city should be
23 looking at -- and I told the municipalities --
24 they should be looking at getting them to give
25 them money to rehab a mile or two miles of

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2 every sewer system in their community. This
3 way we're taking care of the problems, we're
4 taking care of the storm water. They can
5 retrofit some storm water areas and use some
6 money that the developers are bringing in to
7 do that rather than other things.

8 REPRESENTATIVE KELLER: I look at
9 these developments and I didn't notice it
10 until after we did the strip mall, most of the
11 strip malls in New Jersey when they do it they
12 have that big retention pond out front. We
13 are not required to --

14 MR. BERNSTEIN: Now, now we are.

15 REPRESENTATIVE KELLER: We --

16 MR. BERNSTEIN: In Philadelphia.

17 REPRESENTATIVE KELLER: We learn as
18 we go along?

19 MR. FEOLA: Lansdale, who has a
20 combined sewer systems, has ten million
21 gallons of holding at the treatment plant
22 because of the problems they've had over the
23 years. The city is like 100 times bigger than
24 Lansdale. What would you need to even have a
25 chance of equalizing?

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2 REPRESENTATIVE KELLER: I'm talking
3 about these developments, these strip malls,
4 they look like they have their own retention
5 pond.

6 MR. BERNSTEIN: Well, this is what
7 I'm saying, with the new regulations anything
8 moving forward they have to manage the storm

9 water. First we look at it to be infiltrated
10 into the ground, to be absorbed into the
11 ground. Usually in a lot of what we're seeing
12 are underground, under parking lot
13 infiltration beds. And it would be a pipe
14 with holes in it with stones underneath it so
15 water comes into it and then is absorbed down
16 into the ground. Some areas we can't do that.
17 And where we can't do that we require that
18 they have a detention basin, either a surface
19 one or subsurface where they then control the
20 release into the system after what we call the
21 first flush, after that main rainstorm comes,
22 then you slowly release it back into the
23 system.

24 REPRESENTATIVE KELLER: And it's
25 your belief that if 862 goes forward in the

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2 form it is today you would not have the
3 ability --

4 MR. BERNSTEIN: For the casinos, I'm
5 talking about what we do for every
6 development.

7 REPRESENTATIVE KELLER: I'm talking
8 about --

9 MR. BERNSTEIN: The casinos,

10 specifically, if 862 goes through the way it
11 is, you're correct.

12 REPRESENTATIVE KELLER: We will not
13 have the ability to do that?

14 MR. BERNSTEIN: That is correct.

15 MR. DOUGHERTY: Okay. How about we
16 take a look at the slide show?

17 MR. ANDERSON: Thank you.

18 Again, my name's Ken Anderson, I'm
19 here from DEP to speak to you shortly about
20 regulatory program that I'm involved with.
21 It's a Dam Safety Encroachment Act in the
22 Chapter 105 Rules and Regulations. I have
23 been working in that program for 17 years now.
24 I'd like to thank the officials of the city
25 for inviting us down here to spread our

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2 message.

3 I have got identification of website
4 on here if anybody needs a minute to write it
5 down, that's where you get a copy of our reg
6 book should you need it. I brought a couple
7 examples of the reg book with me today if
8 you'd like to take them with you.

9 Basically, my program regulates
10 water features that are on the landscape,

11 water courses, floodways and bodies of water.
12 We regulate that through the review of permits
13 for structures or activities that occur within
14 waterways or rivers like the Delaware River
15 here that would be at my back.

16 We got various levels of permitting
17 for structures that will be placed in our
18 waterways. They range from no permit waivers
19 and general permits to emergency permits and
20 joint water obstruction encroachment permits.
21 The last of the two is what I hoped to focus
22 on during this discussion.

23 With our emergency permit process we
24 have the ability to issue permits immediately
25 at the site for remediation actions to

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2 alleviate eminent threats to life, property or
3 the environment. Typically they follow a
4 catastrophe event such as a flood or a
5 hurricane. And we mobilize a crew of 12 to 15
6 people in our section, and more if we need to,
7 to come out and administer emergency permits
8 across the five county region, metropolitan
9 Philadelphia area.

10 We may only authorize the activity
11 to provide a temporary fix. So, for example,

12 if a bridge were to receive damage we may end
13 up giving a permit to remove the bridge and
14 put up a detour sign on the road until a
15 permanent structure can be reviewed and
16 approved.

17 It's the department's discretion
18 whether the emergency permit is appropriate.
19 We get plenty of requests for emergency
20 permits where we don't see an obvious threat
21 to life, health or property. And in those
22 cases we direct the people to the standard
23 permit process.

24 The traditional permit process is
25 called a joint permit process. It's called

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2 joint permit because we share some
3 responsibility with the Federal government,
4 primarily the Army Corps of Engineers, in
5 reviewing structural improvements to our water
6 front, say, a pier that would extend out into
7 the river or a bridge that would cross the
8 river.

9 Our joint permit application process
10 is approximately 130-day review process.
11 Because I was asked to speak on the time
12 frames that we look at for application

13 reviews.

14 We encourage preapplication
15 meetings. Any land developer -- development
16 that would -- developer that would want to
17 proceed with the project, we encourage them to
18 organize their consultant team and come to the
19 department for a preapplication meeting,
20 especially larger projects that might cross
21 program boundaries like with the Act 2 program
22 where there's some environmental clean up
23 because of a past industrial use.

24 There's quite a high demand for the
25 preapplication meetings. And typically, we

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2 have a six to eight week waiting period for
3 preapplication meeting. Some of the more
4 sensitive projects we organize smaller group
5 teams to come out to the field site to look at
6 them as well so that we don't cause delays in
7 the process.

8 Before anyone would apply for a
9 permit we ask that they delineate the
10 resources on the site, whether that be
11 wetlands or floodways or the edges of a
12 stream. Stuff on the Philadelphia water
13 front, we'd ask them to identify the pier head

14 or the bulk head line because those are
15 relevant factors we must consider and review
16 in the permit review process.

17 We also look to find out whether the
18 project involves submerged land to the
19 Commonwealth. Within the Philadelphia water
20 front area those areas beyond the pier head
21 line in the beds of the river is owned by the
22 Commonwealth of Pennsylvania and would be
23 submerged lands.

24 One of the things we do at DEP with
25 our permit review process is we do much agency

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2 coordination. So you can see from this slide,
3 the DEP, the Corps of Engineers and the
4 Fishing and Boat Commission work together to
5 address environmental issues incidental to the
6 land development that might be on the river.

7 The DEP involves ourselves with that
8 triad of regulatory review agencies on matters
9 such as endangered species, erosion controls,
10 coastal zone management and Pennsylvania
11 Historic and Museum Commission, that being the
12 PHMC.

13 And at the Federal level the Corps
14 of Engineers works with the U.S. Fish and

15 Wildlife Service and National Fisheries
16 primarily to protect the interest of the fish
17 that we have swimming in the river.

18 The part of the review process that
19 I'm most often involved with is the
20 environmental assessment review. With that
21 process we have applicants identify streams,
22 wetlands, aquatic habitat, water quality,
23 recreational uses upstream and downstream of
24 the property where the project will occur.

25 They use our computer-generated

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2 PINDI service run by our Department of
3 Forestry to search for threatened or
4 endangered species that might be incidental to
5 the project site. And they also use our forms
6 and formats to coordinate with the
7 Pennsylvania Historic and Museum Commission on
8 cultural resources that might exist within the
9 footprint of the construction project.

10 And one question that we most often
11 get asked is, what we do for mitigation or
12 compensation for harm to the environment.
13 Because all of our regulations require some
14 compensation be made for adverse effects to
15 the environment that might occur through a

16 construction project. We ask applicants to
17 avoid and minimize impacts to the river
18 resources before they start construction. To
19 try to keep most of their projects out of the
20 water as a way to avoid the need for
21 mitigation in the first place.

22 We will consider ratios of area
23 affected primarily for wetlands that might
24 occur along the river's edge. But the
25 regulations require that the wetlands be

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2 replaced on a one to one basis. So if the
3 project footprint will occupy a wetland, the
4 applicant for that project must replace the
5 wetland somewhere else, preferably on their
6 property, if not within the watershed.

7 As a reward, if the wetland impact
8 can be reduced to five hundredths of an acre,
9 the department assumes the responsibility for
10 the wetland replacement through our wetland
11 replacement fund system. And we call that de
12 minus wetland impact. That's the third
13 bullet from the bottom.

14 And the other thing we often get
15 from large development projects is a request
16 about wetland banking. And at this time other

17 than for small impacts Pennsylvania doesn't
18 have a wetland bank system that's up and
19 active. And it usually doesn't happen because
20 we don't have the bank system in place right
21 now.

22 Another question we often get
23 involved with is water course mitigation. In
24 Chapter 105, Section 16 it says, After
25 consideration of mitigation measures we are

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2 able to issue a permit. And oftentimes, we
3 consider mitigative measures such as
4 restoration activities. For example, in the
5 city of Philadelphia that could be a pier
6 removal, stream bank enhancement or
7 stabilization.

8 I had a project a few weeks ago up
9 on Red Rambler Run, which is in the Northeast
10 section of Philadelphia, where they want to --
11 city Water Department wants to come in and fix
12 a stream that has a severe bank erosion
13 problem.

14 We also consider removing abandoned
15 dams to restore fish passage and habitat.
16 Look at riparian buffer enhancement, planting
17 shade trees along stream channels. And also

18 looking at public access as a vehicle to
19 provide mitigation or compensation for adverse
20 effects.

21 Some of the things that might
22 complicate a permit application are historic
23 and archeological resources might have to be
24 identified and dealt with, threatened or
25 endangering species that might occupy the

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2 river water front. And other considerations
3 we must look at with water development take on
4 more of an engineering flavor. Primarily we
5 see dock construction for fills or dredging
6 activities in the water front that accommodate
7 or accompany land development in the river.

8 And I want to speak to some of the
9 aspects of the regulations here that we have
10 to review with each and every applicant in
11 preapplication meetings that sometimes they're
12 surprised exist within the regulation.

13 In Subchapter H it's deals with
14 construction of docks, wharfs and bulk heads.
15 There's a citation at 105.351 that says, Upon
16 termination of the useful life of the pier the
17 owner shall remove it completely and restore
18 it from the banks of the river.

19 Well, frankly, when you tell
20 Mr. DePaul, who is building a high-rise
21 condominium on the river, that when he's done
22 with the project he needs to remove it, and he
23 should have a plan for its removal, and that
24 he's not allowed to demolish it and let fall
25 back into the river, you get some strange

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2 looks. But the citation is in the reg book
3 and we make them aware of it.

4 The permit application also asks for
5 exact locations of the structure and any
6 mooring area that might be associated with it.
7 Because, frankly, we can't moor ships or
8 little boats in the ship channel, it just
9 doesn't work. And we ask for other aspects
10 that I have got on this slide that you can
11 read for yourself. Primarily, the one that
12 seems to be of interest to the people in this
13 room is the passage of flood water without
14 damage to upstream neighbors. And riparian
15 ownership.

16 Now, if I can move over to
17 Subchapter F that deals with fills and cover a
18 few aspects of fills. You're not allowed to
19 use any waste material of any type in a fill

20 construction. That is unless you read the --
21 unless provisions in the regulations. And
22 that's unless our other programs, solid waste
23 management itself, developed a beneficial
24 reuse permit for some of that waste material
25 and they take care of the technical issues

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2 associated with reuse beneficially of waste
3 materials.

4 Slope of the fill for around the
5 perimeter of the construction project cannot
6 exceed two to one unless you build a wall like
7 a bulk head wall or a piling support or pile
8 supported wall.

9 The fill itself cannot create
10 erosive velocities in streams. So basically
11 what we're looking at there is if someone
12 would build something along the margins of the
13 Schuylkill River they can't cause a velocity
14 increase during storm events that would wash
15 out the person who owns the property on the
16 opposite side of the river.

17 And again, the application requires
18 much technical information, some of which I've
19 covered in the bullets on the bottom. And the
20 one of interest, again, may be flood waters

21 without damage to upstream neighbors.

22 Moving on to Subchapter E, which
23 deals with channel changes and dredging.

24 Many of the land development
25 projects including the casinos have asked to

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2 do marinas associated with the pier
3 development. And many of those areas are
4 shallow from lack of use and lack of dredging
5 over the last 40 years. They basically turned
6 the piers into parking lots and removed any
7 maritime uses of the piers over the last 40
8 years. And the near shore areas had filled
9 with silt and sediment during that time.

10 So a reuse of the pier, the
11 applicants often need to dredge the area to
12 accommodate the drafts of the boats that they
13 want to park next to their new use of that
14 facility.

15 So when we issue a permit for a new
16 pier and that that pier is going to involve
17 mooring areas, the applicant should address
18 the mooring areas for the dredge material
19 management plan. They got to tell us how
20 often they expect to dredge the area to
21 accommodate the draft depth that they're going

22 to need for their boats and where they're
23 going to take the mud to. Being that there's
24 only one publically available dredge disposal
25 facility in the Delaware estuary, Weeks Marine

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2 in New Jersey, that is the limiting factor for
3 many of these marina developments.

4 As part of the project review for
5 these developments that include marinas or
6 dredging the project must protect fish life.
7 That's found at 105.244. That's
8 oversimplifying the subject, but I wanted to
9 make sure you heard that.

10 The other thing that I mentioned
11 just a minute ago is that they must provide
12 for the disposal of waste material. And
13 that's covered in Subchapter J which I didn't
14 prepare a slide for today. And the
15 application must include method of dredging
16 and proof of title or easement. In other
17 words, if this fine lady next to me happened
18 to be my neighbor on the water front, I'm not
19 allowed to dredge in front of her property
20 unless she gives me permission. So if that's
21 the only way to get my boats from my marina
22 out to the deep water in the channel, we've

23 got to work together as neighbors, possibly
24 both have an application.

25 And the last thing I wanted to talk

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2 today about, was asked to talk about, was
3 public trust waters. Submerged lands of the
4 Commonwealth are waters permanently or
5 periodically inundated lands owned by the
6 Commonwealth including lands in the beds of
7 navigable lakes and rivers and beds of streams
8 declared public highways which are owned and
9 held in trust by the Commonwealth.

10 And the example is right to my back,
11 the Delaware River which sits right both
12 beside us, behind us, and technically directly
13 underneath of us. The DEP cannot issue a
14 permit which conveys property rights of river
15 bed from the state to any riparian holder.
16 Only General Assembly can do that. And you've
17 done it.

18 The Submerged Lands License
19 Agreement that the DEP issues with permits
20 includes an annual lease fee and we often
21 prepare them for projects that will occupy the
22 river. However, we have limitations. The
23 licensed activity cannot significantly impair

24 navigation or public trust uses.

25 One of the things that's been very

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2 tested of late with these uses at the water
3 front is public access. Many developments in
4 the city when they go up they have sidewalks
5 that go completely around the building. Yet,
6 when a development goes up on the water front
7 it has the potential to block people's access
8 from the perimeter of that development, which
9 might lead to a transportation corridor that's
10 of a different type.

11 The river is a transportation
12 corridor no different than the Vine Street
13 Expressway, the Schuylkill Expressway or
14 anywhere else. That is what people would
15 traditionally consider a highway. You can't
16 park your Winnebago on the Schuylkill
17 Expressway and expect to live there and block
18 other people the right to transportation. The
19 same would hold true for our river.

20 The department cannot give a license
21 for a project that exceeds 25 acres in size.
22 For whatever reason back in the 1980s when our
23 legislation and regulations were written, the
24 legislators at that time didn't think it was

25 appropriate for the department to make big

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2 decisions, big in the scale of 25 acres in
3 size. So those large projects have to go
4 through General Assembly in order to occupy
5 the river area exceeding 25 acres in size.
6 And that would include both mooring facilities
7 and the structural area of a pier.

8 So to combine those two, mooring
9 area facilities and 25 acres, the department
10 cannot issue a permit for that type of
11 activity including a submerged lands license.
12 We have to wait for General Assembly to give
13 that riparian owner that right to that much
14 area of the river.

15 And finally, the one that most often
16 trips up land development over the water is a
17 section called 105.32 which is entitled,
18 Proper Purpose. And Proper Purpose, the
19 department can only issue an S.L.A. that has
20 one of these six proper purposes, improving
21 navigation, fishing or recreational uses,
22 protection of the environment or public,
23 providing water supply or energy production,
24 providing a utility service or other activity
25 requiring access to the water.

2 Those are the six types of things or
3 purposes to projects that we can issue a
4 permit and submerged lands license. If it
5 doesn't meet one of those purposes the
6 applicant will have to go to General Assembly
7 first and get a special bill passed
8 specifically for them before they come to the
9 department.

10 In the last several years many
11 people have gone to General Assembly who wish
12 to construct things on the water front and
13 because they don't have one of these proper
14 purposes.

15 And with that, I'm done. And here
16 is some contact information if you have
17 further questions.

18 MS. GOODWIN: I came in a little
19 late for this afternoon's session so if this
20 issue was addressed, forgive me, I don't mean
21 to be taking us backward.

22 REPRESENTATIVE KELLER: Would you
23 identify yourself?

24 MS. GOODWIN: Oh, yes. My name is
25 Rene Goodwin, I'm a resident of Pennsport and

2 a member of the board.

3 According to what I believe, our
4 soul needs to exist on a combination of love
5 and fulfillment. Our bodies exist on air and
6 water. There was a lot of discussion as I
7 came in on waste water, but I did not hear so
8 much addressed on the issue of supply water.

9 We know that there have been
10 climatic changes taking place, we don't know
11 ultimately in the next decade or two or three
12 how that's going to change. What is the
13 impact of this casino project in particular,
14 not only the other large amount of residential
15 developments, what's the potential impact of
16 that on supply water? How do we address that?
17 No resources in this world are infinite,
18 except perhaps our creativity. So that's one
19 of my questions.

20 My other question is, learning of
21 this process was really interesting and sort
22 of gratifying to know that there is a process
23 like that in place. But as this woman stated
24 earlier her suspicions or her belief or her
25 knowledge is that 862 would exempt the casino

2 applicants from all of this, what's the point?
3 And lastly, if all of you here
4 today, even your colleagues who represented
5 other agencies and departments earlier, have
6 given your best and you're working to solve
7 problems with limited resources and you're not
8 the policy makers, where in the world in the
9 next four days or two days does the buck stop?

10 It's nice to get informed and it's nice to
11 know that there are people that are dedicated
12 to their work. But you all know that you
13 don't have the power to really change and
14 address some of these issues. And we can't
15 afford, all of us, not just we out here, we
16 all, for our safety, our health, the quality
17 of life, can certainly not continue to let the
18 buck fly around. Where does it stop and when
19 does it stop?

20 REPRESENTATIVE KELLER: Now, I feel
21 like the PennDOT guys.

22 MR. BERNSTEIN: I can address at
23 least part of your problem or requests or
24 questions or comments with respect to water
25 supply.

2 The City of Philadelphia has three
3 water treatment plants. We draw the water
4 from the Schuylkill River and the Delaware
5 River. Basically the west half of the city or
6 west of Broad Street basically is served by
7 the Schuylkill River, and east of Broad Street
8 basically by the Delaware River. All right.
9 As long as the water is flowing in the rivers
10 the city of Philadelphia will not have a water
11 supply problem.

12 If you remember a few years ago
13 there was a severe drought in the region, the
14 state imposed drought restrictions on all 67
15 counties in the Commonwealth. We, the city of
16 Philadelphia, actually petitioned the DEP to
17 be relieved of that restriction because we are
18 the last entity to take out of either river
19 before it turns to salt water. And our only
20 concern would be if the salt line, because the
21 Delaware River goes down to Delaware Bay, if
22 the salt line ever came up to our Delaware
23 River plant, which is up near, above the --
24 yeah, the Pennypack area, that in the worse
25 drought ever experienced by the city it only

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2 came up to the Navy Yard. Normally, the salt

3 line is down by the Delaware Memorial Bridge.

4 Schuylkill River, because of the

5 Fairmount Waterfalls we don't have to worry

6 about the salt line going up the Schuylkill.

7 So as long as we have flow.

8 And what I was saying, we petitioned

9 to the state to relieve us from the

10 restrictions because the drought restrictions,

11 the only thing it was really doing was costing

12 the city revenue because people stopped using

13 water, but if we don't take it out of the

14 Delaware, you know, or out of the rivers, it's

15 going to the ocean anyway and nobody is using

16 it. So the drought will not necessarily

17 affect the city. So from a water supply

18 standpoint, the big picture for the city, it's

19 not an issue.

20 REPRESENTATIVE KELLER: We have to

21 be out of here by 2:30. I want to get the

22 other questions answered.

23 MR. KIRLIN: I was going to say it

24 sounds like the fish have more protection than

25 the humans.

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2 REPRESENTATIVE LEDERER: They do.

3 MR. KIRLIN: And no one answered the

4 question about when does the house become
5 unfit for habitation with so much sewage in
6 the basement?

7 MR. BERNSTEIN: I really can't
8 address that, that would be an issue for the
9 Health -- that's Health Department.

10 REPRESENTATIVE KELLER: I'll get to
11 the Health Department after the next set of
12 questions.

13 MS. PATTERSON: I will be concise,
14 but I have two questions.

15 One, with respect to the
16 preapplication meeting process and in
17 particular regulations for permits and as it
18 relates to casinos in particular, is there
19 anything in the regulations that requires
20 public participation and notification in that
21 conversation in terms of cause and effect
22 and -- because this has been one particular
23 issue, which is why she's making the comment,
24 This is so nice, is that sometimes in these
25 issues we don't have a voice.

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2 MR. ANDERSON: Our permit
3 application process for the joint permit has a
4 public notice process and a public comment

5 period which is 30 days from the date it
6 appears in the Pennsylvania Bulletin. We
7 often receive public comments for large
8 projects either along the water front or in
9 Delaware, Montgomery Counties. And you would
10 be welcome to provide public comment on any
11 application you see published in the
12 Pennsylvania Bulletin.

13 MS. PATTERSON: Pennsylvania
14 Bulletin.

15 The other thing is particularly
16 related to the casinos. This 25 acre, can you
17 see a loophole that would develop that a
18 casino would divide their property
19 administratively, legally amongst different
20 corporations to get under the window?

21 REPRESENTATIVE KELLER: As it stands
22 now it would have to go through the
23 legislature. Everything that, that he had up
24 on there.

25 Except I have a question, casinos

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2 wouldn't be considered recreation in your --
3 would that be considered recreation?

4 MS. MURPHY: That's a really good
5 question.

6 REPRESENTATIVE KELLER: As long as
7 casinos aren't considered recreation
8 everything as it stands now would have to go
9 through the legislature. Been that way for
10 probably 60 years. Believe me, we've done
11 riparian rights. I'm sure John has done a
12 couple. Marie has done numerous. They work,
13 when it goes through the legislature it works.
14 Everybody has -- to go, you have committee
15 hearing, you have public comments.

16 REPRESENTATIVE LEDERER: Investigate.

17 REPRESENTATIVE KELLER: What's
18 happening now is 862, we're taking that all
19 away, taking it all away. If you win a casino
20 license your riparian rights problems, all the
21 things you've been listening to up here, go
22 away, you're granted them as part of your
23 license.

24 We're here saying, that's not right,
25 we want to put it back in the legislature

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2 where you guys -- I have to answer to you,
3 everybody has to answer to their constituents,
4 let's do it that way, let's keep it the way it
5 is, let's get that bill amended and go back to
6 the way it is. We had a system that has

7 worked for, Joe, 60 years? So was it '51 when
8 they --

9 MR. FEOLA: At least, yeah.

10 REPRESENTATIVE KELLER: It works.

11 MR. ANDERSON: Actually, the
12 licensing system started with the
13 incorporation of the state as a Commonwealth.
14 It's the oldest regulatory program in
15 Pennsylvania.

16 REPRESENTATIVE KELLER: That's more
17 than 60 years.

18 MR. ANDERSON: Try 1776. And
19 actually, I have a copy of this license that
20 should exist in the building that predates the
21 Commonwealth, that was issued by the Crown in
22 England for a dock in the Delaware River.

23 REPRESENTATIVE KELLER: Okay. Let's
24 change that system. It's only worked for 300
25 years. Facetiously, please.

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2 MR. DOUGHERTY: Tell you what, if
3 you don't mind, Mary had something to say,
4 Mike O'Donnell, who you seen on TV earlier
5 this week, I don't know how many times his
6 basement has been submerged. And then I'd
7 like to rap it up with a final comment. We

8 have to be out of here, you know, two minutes.

9 I'd like to thank everybody from Joe
10 and the whole gang at the DEP, and Len and the
11 Water Department, thank you. I mean, I know
12 these aren't beautiful issues to discuss, but
13 people are here because we are concerned.

14 And you're more than welcome to come
15 back tomorrow. We're here tomorrow. We'll be
16 here tomorrow morning we'll start off with
17 City Planning, we're going to move into
18 development, then we're going to wind up
19 tomorrow afternoon with casinos.

20 If you're coming, bring a friend,
21 bring a neighbor, bring somebody that's in the
22 civic associations with you. I mean, I think
23 it was very helpful.

24 And I really want to also thank, you
25 know, our legislative leaders here for not

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2 only having been involved today but leading up
3 to this. And I imagine that this is going to
4 help us leaps and bounds in getting some
5 paperwork right out. Letting people know
6 who's not talking to who and who should be
7 talking to who. And the questions and
8 concerns that are mentioned here, they're wide

9 and varied.

10 Mary, Mike, and then we will wrap

11 up.

12 MS. ISAACSON: Just to clarify, your
13 Water Department and DEP are saying that --
14 Mary Isaacson.

15 Water Department and DEP are both
16 confirming that the casinos have not filed the
17 Act 537 applications with their PINDI search,
18 nor have they filed for a DEP construction
19 permit for any of the facilities that they're
20 planning on building?

21 MR. KENNEDY: Yes, that is correct.

22 MR. BERNSTEIN: That is correct.

23 MR. KENNEDY: In addition to the one
24 permit that Ken was talking about, the 105
25 encroachment permits, the NPEDS storm water

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2 permits for construction is definitely a
3 permit that would also be required for
4 anything over one acre. And yes, it goes
5 through the Water Department currently, but
6 that's a Federal permit. So that may be
7 something that may not be covered by the
8 Senate bill as currently written. But that is
9 one thing that hasn't come before us yet.

10 MR. BERNSTEIN: And all Act 537

11 applications in Philadelphia have to be filed

12 with me and there has been none.

13 MR. FEOLA: Okay. An add on to one

14 of your questions, the public comment period.

15 You can request a public hearing if you want.

16 And if we get enough people asking for a

17 hearing we'll have a hearing.

18 MR. ANDERSON: And in addition, the

19 Army Corps of Engineers has part of our joint

20 permit process. I don't believe the House

21 bill addresses the Federal permit that would

22 deal with facility construction over waters

23 that are navigable waters of the United States

24 as well as the Commonwealth. And any permit

25 that comes in for pier construction over the

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2 river would involve a public comment process

3 at the Federal level as well.

4 So you would have two chances to

5 object or bring information to the table to

6 permit reviewers at the state level and also

7 permit reviewers at the Federal level.

8 MR. DOUGHERTY: Michael.

9 MR. O'DONNELL: I'm Mike O'Donnell,

10 I'm a resident of Pennsport.

11 The other day, a few of the
12 representatives from the table, people were at
13 my house for a press conference to talk about
14 this Senate bill that was going to pass.

15 As a concerned citizen, two years
16 ago in August of '04 was the first significant
17 flood I had in my house, I got 13 inches of
18 sewer water in my basement. Contacted the
19 city, contacted FEMA, went through all the
20 legal process and the channels of the
21 political realms to see what can be done about
22 it. About seven times since then in the last
23 two years I've had it. And when I say
24 significant, I talk about anywhere from six to
25 12, sometimes as high as 14 inches of raw

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2 sewage water in my basement.

3 Obviously, the house that I live in
4 had a finished basement, rugs, carpeting, big
5 screen TV, kids video games, the whole nine
6 yards. I've lost all of that including
7 photographs, memories that cannot be replaced.

8 My question would be so much, and
9 correct me if I'm wrong, and pardon my
10 ignorance, if I'm understanding you right, the
11 cost of this single pipe system that we have

12 the capacity for the sewage water combined
13 with the storm drains, now you're saying the
14 increase from the box stores, Ikea, things of
15 that nature, which would be a strange point if
16 you tell that it's not because of those now
17 being built in my area, if the casino does
18 come to this area and the increase on the
19 sewer water or the sewer system, if you will,
20 there'll be less space in the single pipe
21 system for the storm drain? Is that my
22 understanding? Am I correct on that?

23 MR. BERNSTEIN: Well, what I would
24 have to say on that is that the casinos that
25 are on the water front, the storm water, if we

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2 have any say in it, depending on what happens
3 with Senate bill 862, any storm water would
4 not go into the pipes at all from the casinos.
5 The sanitary flow will.

6 But one of the things that I would
7 actually say, and I'm not familiar with your
8 situation or whatever, but the casinos are
9 closer to the main interceptors that we have.
10 We have some pipes that are as much as 23 feet
11 in diameter and they would be feeding into
12 that. So they would not -- I don't think they

13 will be contributing to some of the problems
14 that may be localized in what you're talking
15 about. But I don't know what is the problem.
16 I'm not in operations so I'm not familiar with
17 that. But I don't -- I don't think that the
18 casinos would contribute to that problem.

19 MR. O'DONNELL: Which like I said,
20 it's my concern, if the casinos are going to
21 be, and it's a possibility, attached to that
22 system, the system as it stands now cannot
23 take the increase of any, let alone of 6 to 9
24 million people.

25 MR. BERNSTEIN: That's why we have

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2 this review process. Because, you know, for
3 any new development that we have to look at
4 all of that. And if improvements to the
5 system are required because of the
6 development, the developer is going to do it
7 or they're not going to develop. But that's
8 moving forward. Okay.

9 MR. DOUGHERTY: Michael, thank you.
10 Keep hanging in there. Thank you.

11 I think we are on a 10-9-8 count so
12 I just want to -- everybody go out and enjoy
13 the rest of this beautiful day. Get a peek at

14 that beautiful river out there on your way.

15 (End of Saturday, October 14, 2006

16 session.)

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