

Who should absorb the cost of water runoff?
By Sam Strike
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Left: Taken Aug. 29, this is the bucolic backyard the Eulo's fell in love with.

American naturalist and philosopher Henry David Thoreau is quoted as writing that "a single gentle rain makes the grass many shades greener."

How lovely.

But there's an ugly side to the rain that many Radnor Township residents regularly experience, like wet basements, stormwater runoff that erodes driveways, rain that pools in yards and streambanks that have eroded closer and closer to homes.

Township officials are poised to address the stormwater issues that they say have been caused and exacerbated over the last century, but insist, to many residents' chagrin, that the township can't fix all of the problems right now.

What's stopping them? For one, fiscal constraints. Capital costs associated with stormwater management on previously developed parcels (as opposed to new construction or redevelopment) are more expensive than most people realize.

Still, Radnor is currently exploring ways to fund future stormwater-management problems throughout the township. Possibilities include initiating a dedicated millage rate, borrowing funds through bond issuances and, most interestingly, establishing a stormwater utility fee.

There is also the question of equity, fairness, and cost-benefit analysis.

If the township is going to (eventually) start fixing problem spots around the township, which problems should take priority? The ones that affect only one homeowner, or that affect many residences?

Should institutions like PennDOT, Amtrak, or Radnor's growing universities share part of the burden? Are they even willing to do so?

These are questions that the Board of Commissioners is going to have to ask, and eventually, answer.

Responsibility

If stormwater project priority were based on the most shocking photos, Rosemont's Rick Eulo would probably be first in line for some relief.

Eulo has lived a decade in his Fairfax Road home, and his yard is the direct recipient of runoff from about 40 acres of developed land.

During rains, when the pipe that runs under the Amtrak rail line that abuts his property fills up, the water flows over land, and the "bucolic" stream in his backyard becomes a torrent. This situation occurs, he says, after 20 minutes of a hard downpour.

Eulo said that the water is eroding his land, and has spent at least \$10,000 on trying to alleviate

the problem so far.

The water flows from part of Villanova University and also from the "Old Oaks" residential section on the other side of the train tracks, according to FEMA data.

Both residential neighborhoods were developed in the 1940s.

After the stream passes through Eulo's and a few other yards, it makes a sharp turn - something that was created by the developer, and not nature.

Harriet Anderson's driveway and Newtown Square property are being eroded by runoff. Even Board of Commissioner president Hank Mahoney, like many North Wayne residents, has a sump pump steadily working in his home's basement.

The list of problems is long and feasible solutions short.

Eulo's neighbor, Hank Mercaldo, and his family are dealing with a crumbling waterway wall there.

Since part of the wall collapsed in June, Mercaldo has been going back and forth with the township, and getting estimates from contractors on how much it will cost to either fix the wall or pipe the water and get rid of the wall altogether.

Mercaldo is waiting on the township for some engineering information he can present for his estimates; without this data, estimates have already come in at \$50,000 to \$60,000, he said. After the wall fell, the township did remove large chunks of rocks (to avoid blocking the waterway) and piled some against the slope, and "We thought maybe they would take care of [fixing the wall], based on it being a storm sewer... they said it's not their responsibility," Mercaldo said.

"If we do it for one person, we have to do it for everybody," said Ward 3 Commissioner Bill Spingler about fixing problems on private property. Spingler is also chair of the board's public-works committee.

"Our job... is to control the water as best we can... to find ways to contain it upstream so... property is not damaged," he said.

The township's policy has been not to fix problems directly on residential properties, Spingler said.

"That what the Swift lawsuit is about," he said.

The "Swift lawsuit" is one brought by Radnor residents Robert and Meredith Swift, who live in Bryn Mawr next to the border of Haverford Township.

The Swifts filed a suit in the Court of Common Pleas last year stating that an eroding waterway in their yard is being caused by the case's defendants - PennDOT, Radnor Township, Haverford Township, and the Haverford School District.

According to Robert Swift, their complaint requested "the defendants repair and maintain the implied stormwater easement to its pre-erosion condition."

He said the court "concluded that the claim was similar to a claim for damages and denied damages" - a ruling that the couple has since appealed to the Commonwealth Court.

So who is responsible for damages? The developers who, decades ago, filled in the lakes in St. Davids, redirected the stream in Rosemont, and built over the former natatorium in North Wayne?

"These are past errors, and we've got to live with them," Spingler said, adding that it wasn't until about the last 10 years that township commissioners have directly addressed stormwater problems.

"For years the commissioners did nothing about stormwater management," he said. To be sure, stormwater management wasn't even legitimized in most municipalities until the 1970s.

Taking action

But while stormwater complaints pour into the township engineer's office, so do complaints that the recently adopted stormwater ordinance is too strict.

One St. Davids resident calls the stormwater management she and her husband have to install, which costs "as much as a small car," is an example of "beauracracy run amok."

The trenches, the tubes, the manhole cover - she thinks it's too much for what she says are simple patio and driveway expansions.

And there are more and similar complaints, according to Radnor Township engineer Dan Malloy.

But the stricter stormwater regulations are in place to help everybody.

"The ordinance requires everyone to take some responsibility for stormwater on their property," said Radnor Township Manager Dave Bashore. "Just about everyone lives downstream from somebody."

Bashore said that Radnor's commissioners will be facing the issue of how to address problems

on private property "that we don't believe are caused or contributed to by the township."

So what is the township doing?

For one, it is addressing flooding in the region of the Radnor Middle School in Wayne with a multifaceted system of holding and releasing stormwater on that site.

The township also commissioned their environmental consultants Cahill Associates to create a proposal for Best Management Practices (BMPs) in that area that could slow down stormwater where it starts.

According to Wes Horner at Cahill, they have submitted (and are currently revising) a draft proposal for a "front yard/back yard" program of voluntary BMPs to be used mostly by individual homeowners in the Upper Ithan Watershed (that drains to the middle-school site). But the proposal will have "clear application potential" for many of the existing residential areas in Radnor, he said.

And how will the township fund these future stormwater projects?

It is currently exploring an idea new to this part of the country - a stormwater utility fee, which would be dedicated funding to stormwater management.

Similar to, for example, an annual sewer fee, township property owners would pay a fee possibly based on the amount of impervious coverage on a parcel. This fee, unlike funding projects through tax increases, would apply to local universities and bypass their tax-exempt status.

But whether or not Radnor will ever implement a stormwater utility fee is not yet known. The township has hired the national company AMEC to perform a DIMS study (Does It Make Sense).

AMEC's Marlu Gregory explained the study to

Radnor's Environmental Advisory Commission last week. Gregory also serves as chair of the Schuylkill Township EAC.

Trees in Times Square

When a property is added to by a certain amount, or completely redeveloped, the stormwater ordinance and its regulations take effect.

But while the township constantly sees residential-redevelopment projects, there haven't been as many commercial building projects.

The difference between the two is that many commercial buildings in downtown Wayne and along other retail corridors are essentially completely impervious.

"The reality is that not every property can conform to stormwater-management techniques. In fact, all of the buildings on North Wayne Avenue are 100-percent impervious. How do they do stormwater?," asked Radnor Township planner Matthew Baumann, who is working on the new overlay district ordinances for downtown Wayne.

"We are working on solving this issue," he said, later adding that the overlay ordinances should reduce total pavement area in Wayne and incorporate landscaping and shading features that will reduce stormwater flow and water pollution.

Still, Baumann said, quoting famous planner Andrés Duany, "There are four trees in Times Square. They're all miserable. An urban environment is essentially all impervious." Although volume control and water-quality elements are mentioned in the Wayne Master Plan for new construction of parking lots, sidewalks and common spaces, installing stormwater management underground is expensive, requires constant maintenance, and is full of unknowns, like what utility tubes and wires lie below the surface.

"We've gone round and around with scenarios," said township engineer Malloy.

The stormwater ordinance suggests that systems be at least 10 feet away from buildings (to avoid water getting into basements). The biggest problem with reconstruction in an all-impervious area is where to put the required stormwater management systems on site.

Malloy said that handling downtown stormwater management is something that should possibly be readdressed.

Say hypothetically the township does create a stormwater utility, might these impervious landowners pay to help solve the problem elsewhere in lieu of installing expensive and invasive stormwater systems? It's something the township may consider.

The grass is always greener

Newtown Square resident Harriet Anderson told the township's Public Works subcommittee Jan. 24 about the water runoff on her property.

Damage to her house and driveway has been consistent since she moved there in 2000, she says, and wants the same relief that her neighbors received in 2002 - a curb and storm inlets.

"There is a solution," she said.

Anderson has a folder full of e-mail and letter correspondence to and from her Radnor commissioner, Enrique Hervada, former state senator Richard Tilghman, state senator Connie Williams, and documents related to her neighbor's curbing project.

You could say she's in the state of detention - her past efforts to solve her stormwater problems failed, and now she is trying again.

"PennDOT says it's a Radnor problem; Radnor says it's a PennDOT issue," Anderson says of her property on Goshen Road, which is a "state" road.

"We sympathize with her," said Radnor's Bashore. "The state has not taken responsibility [for stormwater problems] on state highways."

With so many stormwater problems in Radnor, and large price tags attached to each, the commissioners will have a large task ahead of them.

"The problems in general have been identified... There are hundreds throughout the township," Bashore said.

It will be the Board of Commissioners that will have to come up with criteria by which to fix and fund the problems. Until then, residents can focus on the positive - green grass.

