



## **Radnor's Stormwater User Fee Ordinance Misses the Mark, But Can Be Fixed**

An ounce of prevention is worth a pound of cure – nowhere is that more true than when it comes to stormwater runoff. The massive volume of runoff from roofs, roadtops, parking lots and massive commercial lawns is the source of the problem, yet the proposed User Fee Ordinance fails to focus on reducing volume and instead focuses on collection, conveyance and treatment of the volume.

Ordinance No. 2013-15, titled *An Ordinance of the Township Radnor, Delaware County, Pennsylvania, Establishing a User Fee for Stormwater Collection and Management*, fails to ensure that fees collected and credits given can be invested in projects that avoid stormwater runoff and/or that directly address the damages of runoff. The ordinance fails to include criteria for selecting and evaluating projects. And, the ordinance fails to ensure equity between residential property owners and commercial/institutional property owners in fees paid. This Ordinance requires critical fixes before moving forward for Commissioner consideration and/or vote.

### **Commercial, Industrial, Institutional and Recreational Property Owners Need to Pay Their Fair Share as Properties Grow, Just as Single Family Residential Property Owners Are Required To.**

Single family residential property owners are charged for the increased runoff they contribute from larger parcels and their assumed greater runoff. Commercial/industrial/institutional/recreational property owners are charged only for their actual buildings and parking lots, letting the massive compacted lawns they manage -- which are a tremendous source of runoff -- off the hook. Large-scale lawns are scientifically demonstrated to generate increased stormwater runoff. The user fees charged to commercial, private recreational, institutional and industrial properties should increase with the size of their lots, just as that of single family residential properties.

Ways to ensure the increased runoff from the large lots associated with commercial, private recreational, institutional and industrial properties are accounted for in the user fee calculation include:

- a) define impervious area to include “lawns/lawnscape”; or
- b) subject non-single-family residential parcels to a fee scale based on lot size, as is done for single family residential parcels; or
- c) encourage strategies that reduce runoff and impervious surfaces through the ordinance credits program.



Photos of Radnor Valley Country Club during a rain event – left is water collecting off their massive lawn; right is the water being dumped to a storm drain that discharges it to a creek.



### **The Draft Ordinance Needs to Include Reference to Pennsylvania’s Stormwater Manual.**

The draft ordinance fails to reference the Pennsylvania Stormwater BMP Manual. “The purpose of the Pennsylvania Stormwater Best Management Practices (BMP) Manual is to provide guidance, options and tools that can be used to protect water quality, enhance water availability and reduce flooding potential through effective stormwater management,” and to provide guidance to help meet state and federal requirements regarding stormwater. Failure to reference this state guidance and benefit from its guidance in how User Fees might be best invested to meet Township needs and legal obligations is an oversight that should be remedied.

### **The Draft Ordinance Needs to Focus on Stormwater Strategies that Avoid, Minimize and/or Infiltrate Stormwater, Not Just Control It Once It Happens.**

It is important that the ordinance be properly focused on avoidance of runoff rather than just controlling runoff.

1. The Statement of Findings language is about “control” of stormwater runoff; it should be edited to focus on strategies that “avoid and minimize” runoff.
2. As drafted, user fees collected are to be used on collecting, conveying, detaining and/or treating stormwater; instead, the ordinance should focus their use on systems that avoid, minimize and/or infiltrate stormwater. Applicable federal and state laws and policies emphasize the priority importance of stormwater avoidance, minimization and infiltration (i.e. soaking stormwater into the soil). As such, it is critical that Radnor include emphasis on these strategies – e.g., avoiding and/or reducing runoff volume and improving infiltration -- in the implementation and use of its User Fee program.
3. The credit program as written is focused on water treatment (i.e. water quality), rather than reduction of runoff volume or harms. Credits should be given for measures that avoid and/or infiltrate runoff, which are the best approaches for avoiding water pollution, as well as avoiding flood damages, including harms to homes, erosion, and flooding roadways. Credits should also be given for protecting natural flows and addressing existing stormwater damages such as erosion. The limitation of credits for onsite treatment of stormwater runoff is a gross oversight and should be remedied.

### **Fee Forgiveness for Residents in Hardship Situations and for Township-Owned Properties and School District Properties Should Be Considered and Not Forbidden, As They Are Now.**

There needs to be fee forgiveness for those residents for whom this fee is a genuine hardship. Fee forgiveness should also be allowed for township-owned recreational facilities and school properties that are owned and operated for the benefit of all township residents and for whom any user fee could ultimately be passed along to residents in the form of increased taxes or other charges.

### **The Ordinance Should Consider Ensuring Shared Direct Benefit From the Fees Generated.**

Just as the ordinance collects fees from all Radnor communities, there should be consideration for ensuring use of fees on projects in each of the Township’s watersheds and communities.

### **Criteria for Project Selection and Measurements of Success are Needed.**

There needs to be added to the ordinance either specific criteria for selecting projects and measuring the success of projects funded and implemented or a directive that there be created a committee that will set such project selection criteria and mechanism for identifying and reporting on the results of projects undertaken.

### **The proposed stormwater user fee ordinance as drafted fails to ensure that the program is equitably implemented and that funds generated will be used to best effect for the community.**

*The Township Commissioners are seeking comments. Write them at: 301 Iven Avenue  
Wayne, PA 19087; or email your comments to the Board President at [eschaefer@radnor.org](mailto:eschaefer@radnor.org).  
To see the full Delaware Riverkeeper Network comment: <http://bit.ly/19I2Z4g>*