

RHM Sewer Authority Hearings
2009-11-05 (Reardon, Williams)

11/5/2009

Condensed Transcript

Prepared by:

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Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
OF HAVERFORD TOWNSHIP.
2 DELAWARE COUNTY, PENNSYLVANIA
3 IN RE: Z09-24, the appeal of Radnor Haverford Marple
Sewer Authority, who seeks a variance from the
4 provisions of 182-603 to erect an emergency sanitary
sewer holding tank that will exceed the maximum
5 height limit of 12 feet on the township owned
property located at Glendale Road and Raymond Drive,
6 also known as D.C. Folio 2209 001553 00, zoned ROS
Outdoor Recreation and Open Space and is located in
7 the first ward.
8 ---
9 A continued public hearing was held
before the Zoning Hearing Board of Haverford
10 Township, at the Township Building, 2325 Darby Road,
Havertown, Pennsylvania, on Thursday, November 5,
11 2009, commencing at 7:54 p.m. reported by Arlene M.
LaRosa, Professional Reporter.
12 ---
13
14 MEMBERS OF THE BOARD:
15 ROBERT KANE, CHAIRMAN
EVELYN YANCOSKIE, VICE CHAIRMAN
16 EDWARD MAGARGEE, MEMBER
EDWARD CASULLI, MEMBER
17 KENNETH RICHARDSON, MEMBER
18 **PLEASE NOTE THAT THIS TRANSCRIPT MAY NOT
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ARLENE M. LaROSA, RPR.
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21
22
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1
2 APPEARANCES:
3 WILLIAM MALONE, ESQUIRE
Solicitor on Behalf of the Board,
4
5 KATHRYN LABRUM, ESQUIRE
WILLIAM TOAL, ESQUIRE
6 On Behalf of the Applicant,
7 JAMES BYRNE, ESQUIRE
On Behalf of the Township.
8
9
10 ALSO PRESENT:
11 LORI HANLON-WIDDOP, Assistant Manager
JOAN SCHECK, Deputy Zoning Officer
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13 ---
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1
2 I N D E X
3
4 WITNESS DIRECT CROSS
5 JAMES REARDON 9 17
FREDERICK WILLIAMS 56 91
6 STEVEN DiSIPIO 136
RICHARD CARATO 140
7 ROBERT FOWLER 143
STEPHEN D'EMILIO 146
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11 E X H I B I T S
12 EX. NO. MARKED ADMITTED
13 A-1 Letter 5
A-2 Letter 5
14 A-3 Photograph 84
A-4 Plot Plan 63
15 A-4(a)-(c) Photographs 63
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1
2 MR. KANE: Our next case tonight
3 which will not be continued, I presume, is case
4 Z09-24, the appeal of Radnor Haverford Marple Sewer
5 Authority, who seeks a variance from the provisions
6 of 182-603 to erect an emergency sanitary sewer
7 holding tank that will exceed the maximum height
8 limit of 12 feet on the township owned property
9 located at Glendale Road and Raymond Drive, also
10 known as D.C. Folio 2209 001553 00. The property is
11 zoned ROS Outdoor Recreation and Open Space and is
12 located in the 1st Ward.
13 Kathy?
14 MS. LABRUM: Good evening. Kathryn
15 Labrum representing the Radnor Haverford Marple Sewer
16 Authority this evening seeking a variance. The
17 height restriction of 12 feet, the sewerage holding
18 tank which the authority proposes to build needs a
19 variance of one foot on the front side toward
20 Glendale Road and six feet on the rear facing the
21 creek. The tank is going to be built into a hill.
22 This evening we will present the
23 testimony of John Reardon explaining the necessity
24 for the tank. Currently, the Sewer Authority is

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1 experiencing one to two sewer sanitary sewerage
2 overflows in that area with raw sewerage spilling
3 onto the ground, into the park area and in Darby
4 creek in violation of state and federal laws.
5 Fred Williams, the engineer for the
6 Authority will describe for the Board the different
7 mechanisms that have been investigated to try and
8 resolve these sewer overflows prior to fines being
9 imposed by E.P.A. and D.E.P. and we have Mike Brown
10 from Dutchland, which is the manufacturer of the
11 concrete tank, to talk about the nature of the tank
12 and the provisions that will be made so that it will
13 fit into the area.
14 The housekeeping, I would ask to
15 submit as Exhibit 1, a letter from Haverford
16 Township. The tank is proposed to be built on
17 property owned by the township. This is
18 authorization for the Authority to appear before you
19 this evening and seek the variance. Without the
20 variance, we won't be able to build the tank which is
21 proposed, which is one and a half million gallons.
22 And Exhibit 2 is a letter from
23 Planning Commission and the Environmental Advisory
24 Commission. The Authority appeared before them with

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1 four separate sites all on township property
2 investigating which of the sites would be most
3 appropriate. In the township's Planning Commission
4 and Environmental Advisory Council opinions, this
5 site was selected.
6 If the Board approves the variance
7 this evening, the Authority has to go in front of the
8 Board of Commissioners and obtain a lease for the
9 property.
10 I would call as my first witness Mr.
11 Reardon.
12 MR. KANE: Kathy, if I might, I see
13 Mr. Byrne present tonight. Mr. Byrne, would you like
14 to address the board?
15 MR. BYRNE: If the Board please,
16 yes. My name is James Byrne, Attorney I.D. 41619. I
17 am the solicitor for the township, and I am here
18 tonight as a party in interest in this matter really
19 taking no position at this time. We are here to get
20 some information, learn a little bit more about the
21 application.
22 What I am going to do -- I guess I
23 can do it now or the end of the night, whatever you
24 prefer -- would be to ask the Board to leave the

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1 record open at the conclusion of this hearing so that
2 I can report back to the Commissioners and then get
3 back to this Board at the next meeting, maybe in
4 December. And I can let you know if we are going to
5 put on any evidence or if we are going to take any
6 position or if we are simply going to rest at that
7 point in time with no position.
8 MR. KANE: Okay, are you going to
9 participate in the hearing at all with respect to any
10 residents that might be testifying?
11 MR. BYRNE: I'm not going it put on
12 any witnesses per se. I may have a few questions to
13 ask. The Board of Commissioners is in somewhat of a
14 tough position because we understand that there are
15 some concerns, some environmental concerns.
16 At the same time, any time a
17 facility like this goes in, neighbors are concerned,
18 the neighbors that live closest to it. So we are
19 trying to walk a fine line here to protect everyone
20 without putting too much burden on one particular
21 person.
22 So that's why we are here tonight to
23 get a little more information on the application and
24 then I can go back to the Board and tell them

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1 everything that I have learned here tonight.
2 MR. KANE: And then when Kathy is
3 done with her direct of her witnesses, do you want
4 the opportunity to cross tonight?
5 MR. BYRNE: Maybe if the Board
6 please, yes, I would like the opportunity. I may
7 waive it, but if I have questions, I would like the
8 opportunity, sure.
9 MR. KANE: The reason I ask is that
10 if they have witnesses that have traveled a distance
11 to be here, we will require them to appear if we
12 continue the case at the conclusion of the hearing
13 and you haven't had an opportunity to fully cross or
14 decide whether or not you want to cross them tonight.
15 And I just want to make sure we make that clear at
16 the conclusion of this evening.
17 MR. BYRNE: Okay.
18 MR.KANE: I will ask you after each
19 witness and we won't consider that your having waived
20 the ability to cross.
21 MR. BYRNE: I came here thinking
22 that the Phillies were going to be playing and to
23 tell you I have no questions.
24 MR. KANE: Kathy, do you want to be

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1 heard on that matter, Mr. Byrne's appearance?
2 MS. LABRUM: No. We welcome the
3 Township's inquiry.
4 MR. KANE: Please proceed.
5 MS. LABRUM: Mr. Reardon?
6 ---
7 JAMES REARDON,
8 having been first duly sworn, according to law, was
9 examined and testified as follows:
10 ---
11 MR. KANE: Please state your full
12 name and the capacity in which you appear here this
13 evening for the Board.
14 THE WITNESS: John Reardon,
15 R-E-A-R-D-O-N, manager for the Radnor Haverford
16 Marple Sewer Authority.
17 DIRECT EXAMINATION
18 BY MS. LABRUM:
19 Q. Mr. Reardon, how long have you been
20 with the Sewer Authority?
21 A. 36 years.
22 Q. What is the Sewer Authority?
23 A. The Sewer Authority, it is a
24 municipal authority created under the Municipal

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1 Authority Act.
2 Q. What services does it provide to the
3 community?
4 A. We maintain and service 22 meter
5 stations throughout our five municipalities, Radnor
6 Haverford, Marple, Newtown and Tredyffrin; also four
7 and a half miles of interceptor and bypass lines that
8 we maintain and right-of-ways that we also keep
9 clear.
10 Along with that we have a TV unit
11 that we televise and inspect the sewer systems with
12 to look for any inflow or infiltration getting into
13 the systems and also any damaged pipe or blocked
14 lines and stuff.
15 We also have a TV routing unit which
16 we can go out and chemically grout joints that are
17 leaking in the sewer systems to eliminate any inflow
18 or infiltration.
19 We also have a manhole rehab unit
20 which we do the same there. We enter into the
21 manholes; any inflow or infiltration getting in
22 there, we remove it by chemically grouting it. We
23 have a Permacash unit, which afterwards, the manhole
24 is power-washed and then we coat it with a one inch

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1 layer of fresh concrete that bonds to the manhole
2 which eliminates any possible inflow or infiltration
3 later on.
4 We also have jet trucks that we
5 assist the townships in as far as maintaining their
6 sewer lines and assisting them in any blockages or
7 emergency call-outs.
8 Q. The raw sewerage that is collected
9 in the sewer authority service area, what happens to
10 that raw sewerage?
11 A. That's all conveyed down to through
12 the DCJA, Darby Creek Joint Authority's interceptor
13 line to Darby Township, which there is a pump station
14 which DELCORA, owns which is pumped from there into
15 southwest Philadelphia for treatment.
16 Q. What governmental agencies oversee
17 the work of the Sewer Authority?
18 A. D.E.P. and E.P.A.
19 Q. What, if any, notices and
20 communications from governmental agencies has the
21 Sewer Authority received in the recent past?
22 A. We received letters and
23 communication from D.E.P. At the times that we have
24 any SSOs, we document it and report it to them and

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1 they respond back.
2 Q. Can you describe for the audience
3 and the Board what an SSO is?
4 A. SSO is a sanitary sewer overflow.
5 That's when sewerage is coming out of the manholes or
6 meter stations.
7 Q. Is the Sewer Authority currently
8 experiencing SSOs anywhere in its service area?
9 A. Not at this time.
10 Q. Has the Sewer Authority sustained
11 SSOs in its service area recently?
12 A. For this year we haven't had any
13 SSOs. 2008 we had two of them; one in February and
14 one in April.
15 Q. When there was an SSO, where did the
16 sewerage overflow occur?
17 A. At the Merry Place parking lot
18 there, right behind the office building, Glendale
19 Road.
20 Q. On the most recent sewer overflow,
21 did you have an estimate of how many gallons of raw
22 sewerage?
23 A. We had an estimate of about
24 500,000 gallons coming out of it.

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1 MR. KANE: That would have been
2 April of 2008?
3 THE WITNESS: Yes.
4 BY MS. LABRUM:
5 Q. Do you have an opinion as to the
6 cause of the sanitary sewer overflows that the
7 authority has experienced?
8 A. Well, during wet weather conditions,
9 which is between December and April, with the heavy
10 snows and rain and all, the inflow getting into the
11 system through the RHM system and also downstream, we
12 start getting a surcharge back.
13 The flow starts to come back on us
14 because it is reducing the velocity and it will start
15 slowing up and start building up and start blowing
16 out at the lowest point, which is the Merry Place
17 parking lot.
18 Q. Is the SSO in the Merry Place
19 parking lot presenting a health or safety issue?
20 A. Yes, it is.
21 Q. What's the nature of that health and
22 safety issue?
23 A. It is a federal and state law we are
24 polluting the stream when it does happen and state

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1 law when we are polluting the grounds that the park's
2 in.
3 Q. During these SSOs, is raw sewerage,
4 where is raw sewerage ending up?
5 A. It is ending up in the parking lot
6 in Merry Place and also Darby creek.
7 Q. If the Sewer Authority decides not
8 to take any steps to address this issue, do you have
9 an opinion as to what will happen?
10 A. We will continue to have SSOs and
11 eventually D.E.P. and E.P.A. is going to come down
12 on us harder and start fining us, citing us.
13 Q. Has the Sewer Authority come up with
14 a proposal to resolve the SSOs?
15 A. Yes. We have looked into it and we
16 feel that storage tank, storage tank would be the
17 best way to go with solving this problem at this
18 time.
19 Q. Did the Sewer Authority investigate
20 the possibility of doing a parallel line?
21 A. Well, yes, we looked at parallel
22 lines, but the parallel line would have to be
23 constructed downstream and we can't issue that. It
24 has to be done through the municipalities down below

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1 us, which RHM would still pay their costs for it, but
2 it has to be initiated through all municipalities.
3 Q. And this interceptor line would
4 necessarily have to pass through what municipalities?
5 A. Springfield, Upper Darby, Aldan,
6 Clifton Heights, Collingdale, Glenolden, Darby
7 Borough, Colwyn, Darby Township.
8 Q. Do you have an opinion as to whether
9 it is possible to construct or obtain a parallel
10 connection in the next five years?
11 A. It would probably take 15 to
12 20 years before a parallel line could be constructed
13 if we were to start within the next couple of years.
14 MR. KANE: Why is that?
15 THE WITNESS: We would have to get
16 easements, rights-of-ways, legal documents to get
17 through from here all the way down there; also
18 engineering, stuff like that. So it would take quite
19 a few years prior to constructing. That's with the
20 approval of all the municipalities below us agreeing
21 to do it.
22 BY MS. LABRUM:
23 Q. The holding tank the Authority is
24 here proposing to construct, how will that operate?

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1 A. That would only operate during wet
2 weather conditions when we start surcharging prior to
3 having an SSO. It would be set up that where the
4 pump stations are, the flow would start backing up
5 into there and the pumps would kick on and pump it
6 into the storage tank.
7 And at that time the storage tank
8 would, the flow would just hold in the storage tank
9 until after the weather changed and the flows went
10 down. Then we manually would release it back into
11 the sewer system slowly so that it doesn't cause any
12 more surcharging on the system.
13 Q. Based on current conditions, what's
14 your estimate of how many times each year the holding
15 tank will be put to use?
16 A. Probably just two times a year.
17 That's all we really experienced in the last several
18 years is twice a year.
19 Q. If the Sewer Authority is permitted
20 to build this holding tank, what effect will it have
21 on the SSOs that you're currently experiencing?
22 A. I am sorry.
23 Q. If the Sewer Authority is permitted
24 to build the tank.

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1 A. It would eliminate the SSOs that are
2 occurring now.
3 Q. What's the approximate cost of the
4 project that the Sewer Authority is proposing?
5 A. I believe around two million, which
6 we are going out for grants on that there. We have
7 already put applications in.
8 MS. LABRUM: I have no further
9 questions, if Mr. Byrne does.
10 MR. KANE: Mr. Byrne?
11 MR. BYRNE: If I can have a couple
12 of questions.
13 CROSS EXAMINATION.
14 BY MR. BYRNE:
15 Q. The sanitary sewer you said occurred
16 generally between January and April?
17 A. Between December and April.
18 Q. You had mentioned that you expected
19 that to continue on the same type of pattern two
20 times a year at those points in time?
21 A. Yeah, that's normally when we do
22 have them during that time of year because the wet
23 weather, the snow, runoff getting into the system and
24 all.

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1 Q. That infiltrates into the pipes?
2 A. Yeah, the inflow gets into it. It
3 is more so inflow than it is infiltration. The
4 infiltration you are going to have, but it is the
5 inflow getting into the system throughout manholes,
6 cross connections, illegal connections, stuff like
7 that and we will just get more runoff.
8 Q. Is there a program going on to try
9 to slow down that inflow so that, I guess what I am
10 getting at, are there alternatives to a tank of this
11 nature or is the tank something that is necessary?
12 A. Well, it's necessary for that unless
13 we are putting in a parallel line, which we are not
14 going to be doing for a while. The tank is only
15 going to be a temporary tank.
16 Once the parallel line is put in,
17 that would resolve the problem as far as any SSOs and
18 the RHM system and the tank can be removed.
19 Q. Maybe I didn't make myself clear. A
20 lot of the problems is inflow. I guess what I am
21 asking is, are we doing everything that can be done
22 to try to reduce the inflow so that at some point in
23 time we wouldn't maybe need a tank or an interceptor
24 or is that not a possibility?

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1 A. Well, the Sewer Authority, we have
2 an ongoing I & I program, which, you know, throughout
3 our five townships.
4 The other thing is the township's
5 getting more involved as far as inspections of homes
6 and stuff like that as far as floor drains,
7 downspouts that are connected into the sanitary sewer
8 floor drains, sump pumps, any illegal connection like
9 that. That was all reviewed. That would eliminate a
10 lot of the inflow problems also.
11 And inspections of the storm sewers
12 and make sure the storm sewers aren't cross-connected
13 into the sanitary sewers at different points.
14 Q. You said that the last sanitary
15 sewer overflow you had you think was about
16 500,000 gallons?
17 A. Yes, about.
18 Q. How do you measure something like
19 that? How do we know it is 500,000?
20 A. We took the manholes that they were
21 coming out of and the meter station, and we actually
22 know when we are getting ready to have a SSO by our
23 meters. Actually, we timed it. We measured the
24 height. It was like six inches or so coming out of

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1 the manhole around the ring of the manhole and the
2 door of the chamber. And it went on for I believe it
3 was like 11 hours. And then the engineers did the
4 calculation on that.
5 Q. Was the 500,000-gallon SSO, was that
6 about normal for the two that you have during those
7 periods or is that a greater number or less number?
8 A. I think that was more so about
9 equal. I think we were running I think the one
10 before that, I can't really remember offhand. I
11 think the one before that was around 350, something
12 like that.
13 Q. Are the records, you keep records of
14 how large each one?
15 A. Yeah, it is all documented. We
16 document everything. We have to notify D.E.P. As
17 soon as we have the SSO, I call D.E.P. and let them
18 know we have it and get their answering service; let
19 them know we have it and that the paperwork will be
20 filed to them. And then we have a period of time
21 that we have to get the paperwork into them and then
22 --
23 Q. I'm not positive that you are the
24 right witness. If you are not, let me know that. I

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1 know the one letter said that you explored some other
2 sites. Is there a reason that you came up with the
3 site that we are here for tonight as opposed to some
4 other site?
5 A. Well --
6 Q. If you are the wrong --
7 A. Frank can answer that more so, but
8 we did come up with several sites. The ideal site
9 would be right there at Merry Place right there at
10 the entranceway.
11 The other site would be down at the
12 Haverford Township garage, which cost-wise would
13 probably double or triple and maintenance on it would
14 increase. I mean cost-wise would be higher.
15 The location we picked at behind the
16 ball field there at Raymond Drive is, you know, next
17 best if we can't get it at Merry Place.
18 Q. How about the operation of the
19 holding tank itself, I heard you say that there was a
20 pump that comes on and pumps it into the holding
21 tank. Is that right?
22 A. Yeah, there will be a set of two
23 pumps at the -- where our office is now in our
24 parking lot. There will be a chamber put in there,

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1 well stations and all. So when the flows starts to
2 increase in the line, the trunk line at Merry Place,
3 it will dump into them there. From there it will be
4 force-mained into the holding tank down at that
5 location.
6 It will be a sealed tank and the
7 discharge line will be, you know, closed at that time
8 so nothing is going back out.
9 Q. You kind of anticipated my next
10 question. With respect to the pump and the lines
11 that are performing this operation, is there any, are
12 there any adverse effects from that in terms of
13 noise, smells? Can you expect anything like that
14 from the pump?
15 A. No. I mean as far as the pumps down
16 into the chamber or pit?
17 Q. Right. There will be no noise from
18 that there. It is going to be below ground
19 submerged. As far as the tank odor, there is not
20 going to be any tank odor. It is going to be a
21 sealed tank. When it is not in use, the outgoing
22 line will be closed so there is no vapors coming
23 back, fumes coming back in. And the lines that the
24 pumps are on, you have a check valve system on it

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1 which shows there is no flow of gases getting back up
2 that way.
3 MR. BYRNE: Okay, thanks.
4 MR. KANE: Kathy?
5 MS. LABRUM: That's all. I have no
6 redirect.
7 MR. KANE: Ken?
8 MR. RICHARDSON: I have a couple.
9 You mentioned that the tank's temporary?
10 THE WITNESS: Yes.
11 MR. RICHARDSON: But the parallel
12 line is 15 to 20 years off, so your definition of
13 temporary 15 to 20 years.
14 THE WITNESS: 15, 20, 25 years. It
15 can be dismantled and removed and it will be.
16 MR. RICHARDSON: Is there I guess
17 an engineering reason that it can't be at 12-foot?
18 THE WITNESS: The engineer --
19 MR. RICHARDSON: Okay.
20 THE WITNESS: That would reduce the
21 size of it, you know, seven million and a half would
22 reduce the amount of flow we could put in it.
23 MR. RICHARDSON: If you reach
24 capacity at a million and a half, what happens?

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1 THE WITNESS: The pumps kick off
2 and then we end up, that's a major storm and we will
3 have a SSO.
4 MR. RICHARDSON: So you have the
5 same situation that you have now?
6 THE WITNESS: Yeah.
7 MR. RICHARDSON: When there would
8 be flooding in the past, like in August rainstorms
9 and that kind of stuff, that's storm water as opposed
10 to sanitary or that was also sanitary when that whole
11 area flooded?
12 THE WITNESS: Hurricanes and stuff,
13 there is no stopping. That's a mixture of storm
14 water and sanitary sewer. It is more so storm water
15 at that time than it is anything because the creek
16 was eight feet over the embankments. Our shop was
17 eight feet underwater. I mean it was up on Glendale
18 Road.
19 MR. RICHARDSON: How would that
20 affect, if we had one of those hurricanes?
21 THE WITNESS: The pumps would not
22 even go on. We would shut everything down. It would
23 not be pumping because the creek and everything would
24 be coming in to where the pump stations are and be

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1 pumping the creek water out. It wouldn't even be --
2 so the pumps would be shut down and we have them shut
3 down and take the SSO.
4 MR. RICHARDSON: Are you familiar
5 with the quarry and pumps over there or still have
6 pumps I guess?
7 THE WITNESS: I'm not familiar. I
8 know of it, but I'm not --
9 MR. RICHARDSON: Okay, there were
10 several times that I am aware of that pumps didn't
11 come on for various reasons.
12 THE WITNESS: Power failures,
13 generators didn't kick in.
14 MR. RICHARDSON: How is that being
15 handled in this situation?
16 THE WITNESS: We are going to have
17 a generator system there that will kick on if we lose
18 power that will take over for the pump station.
19 MR. RICHARDSON: How is the
20 generator powered?
21 THE WITNESS: It will probably be
22 diesel.
23 MR. RICHARDSON: You are going to
24 put a diesel tank in?

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1 THE WITNESS: In or on ground,
2 above ground. I'm not sure how that would work. We
3 haven't gone that far yet as far as --
4 UNIDENTIFIED MEMBER OF THE
5 AUDIENCE: Do you want me to answer that?
6 MR. RICHARDSON: When he comes up.
7 THE WITNESS: That's all the
8 engineer stuff.
9 MR. RICHARDSON: Don't be afraid to
10 say it is not your domain. At one time Merry Place
11 was --
12 THE WITNESS: It was the sewer
13 plant.
14 MR. RICHARDSON: When that was the
15 sewer processing plant, did we have these problems or
16 no?
17 THE WITNESS: I have been there
18 since '73 and we have had two major storms in that
19 time where we had trickling filters down at the
20 bottom end where the tennis courts are, off to the
21 side of the tennis courts. I think you have
22 volleyball nets or something down there. That's
23 where your trickling filters were and they were
24 submerged a couple of times during these major

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1 storms.
2 There is nothing you can really do
3 when the creek comes up on it. The tanks were all
4 above ground and I'm not sure, most of you probably
5 know if you that lived here then, the tanks were
6 above ground. So the only thing that got hit at that
7 time was the trickling filters that were down at the
8 bottom then.
9 MR. RICHARDSON: When you say the
10 tanks were above ground, what tanks are you referring
11 to?
12 THE WITNESS: Processing tanks.
13 Down where the tennis courts are now, that was our
14 primary tank. That was a one million gallon primary
15 tank down there that the flow went into when it first
16 came in from the influent line, went down into there.
17 And that's where the initial
18 starting procedure was where the flow was in there
19 for a period of time and all your solid starts to
20 settle down and pushed into a cauldron.
21 And from there it went over to I
22 guess where you have that little walkway at there,
23 that was our secondary tank system. And that's where
24 the flow would end up over there. Same process, same

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1 time limit.
2 And from there it went into aeration
3 tanks just to remove all the solids and stuff like
4 that, and then chlorinate it.
5 Where our office building is now,
6 that used to be the chlorination building, and right
7 behind us was your effluent tanks. And that's where
8 the flow was treated with chlorine and put into Darby
9 creek.
10 MR. RICHARDSON: Now all these
11 tanks were above ground?
12 THE WITNESS: Yes. Well, they are
13 below ground, but they were extended out of the
14 ground.
15 MR. RICHARDSON: 12 feet?
16 THE WITNESS: No, they were
17 probably -- well the tennis court, that's still at
18 the same height as the tank was. The other tanks
19 were probably about eight feet high, our thickening
20 tanks, aeration tanks. I would say they are probably
21 an average of anywhere between 4 to 8 feet.
22 MR. RICHARDSON: Are the tanks
23 still there?
24 THE WITNESS: They are below ground

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1 now, yeah.
2 MR. RICHARDSON: Why can't you use
3 them?
4 THE WITNESS: Because they are
5 filled in. We would have to take over Merry Place
6 and dig them all out treatment plant-wise.
7 MR. RICHARDSON: How about the
8 trickling like the pool where they used to -- I don't
9 know, whatever they did, you know.
10 THE WITNESS: The drying beds where
11 the sludge and all were?
12 MR. RICHARDSON: Yeah, right. How
13 deep are they?
14 THE WITNESS: They weren't that
15 deep. They were probably about four feet deep. They
16 were filled with sand and that's where the sludge,
17 half the product was laid out on there to absorb more
18 water out and that was all scraped off and hauled
19 out.
20 MR. RICHARDSON: Thank you. That's
21 all I have.
22 MR. KANE: Evelyn?
23 MS. YANCOSKIE: Mr. Reardon, I want
24 to start with these overflows that you have

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1 experienced you say twice a year. We have had a
2 tremendous rainy season. Has there been one
3 recently?
4 THE WITNESS: No, we have not,
5 excuse me, knock on wood. We have not had one this
6 year. And majority, like I say, usually we have it
7 between December and April. We didn't really have
8 that much snow or bad weather this year wintertime.
9 We have had a lot of wet weather
10 this year, but our flow has been down. We also, two
11 years ago, we televised Springfield Upper Darby's
12 interceptor line that we tie into and we found a
13 blockage down there behind Drexelbrook Country Club,
14 whatever it is called, down in the manhole down there
15 which was blocked up.
16 So that was all removed and that
17 eliminated a lot of SSOs during 3, 4-inch rainstorms.
18 We used to have, during 3 and 4-inch rainstorms, we
19 used to have more SSOs there.
20 MS. YANCOSKIE: Why are you
21 televising down there?
22 THE WITNESS: The cost, the cost
23 was for them to go out and have that -- we drain
24 into that system.

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1 MS. YANCOSKIE: Yes.
2 THE WITNESS: The cost for that
3 would have been 400 something thousand dollars that
4 they went out and bid for and got a bid back I think
5 it was 450,000. RHM shares 56 percent of that. It
6 only cost us \$2,000 to go TV that line.
7 MS. YANCOSKIE: To use your
8 equipment.
9 THE WITNESS: Our equipment and our
10 guys was \$2,000 to TV that line versus \$200,000.
11 MS. YANCOSKIE: When you do get
12 these overflows, where does it occur other than Merry
13 Place?
14 THE WITNESS: We have had one up at
15 a meter station at where the fire grounds are, right
16 across from that, it is a brick building right behind
17 Lawrence Court apartment. We have had an SSO there
18 about three years ago which was documented and turned
19 into D.E.P. and all. And we haven't had any there
20 since we removed the blockage downstream.
21 MS. YANCOSKIE: What happens in
22 Merry Place? Do the residents on Glendale Road
23 become affected by that?
24 THE WITNESS: If they go through

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1 it. I mean if they are down there sightseeing or
2 walking through it, yeah, they get affected by it.
3 It is a health problem. It is wastewater.
4 MS. YANCOSKIE: And you said that
5 you have to report every one of these to D.E.P.?
6 THE WITNESS: Yes.
7 MS. YANCOSKIE: How many will
8 D.E.P. allow you to report before they get uppity and
9 decide to do something?
10 THE WITNESS: Well, I mean, I guess
11 we have been pretty lucky. We have only had a couple
12 a year and we document them right away. They know
13 what the Authority does as far as I & I work and
14 stuff like that. They are just pressuring us more to
15 go after our townships to do more about it. The
16 Authority has no power to go back to our townships or
17 authority.
18 MS. YANCOSKIE: If they start to
19 put fines on you, do you have any idea what the
20 gravity of that fine would be?
21 THE WITNESS: Marple Township had
22 one about four years, three years ago right behind
23 the Lawrence Court apartment in their line. And I
24 believe they ended up being fined \$5,000 for that. I

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1 don't know what the cost would be or how they --
2 like I say we have never been fined at this time.
3 MS. YANCOSKIE: If they were to
4 fine you, do they put stipulations on that fine that
5 this is what your fine is now; if this recurs, the
6 fine increases?
7 THE WITNESS: I believe the fine
8 does go up quite a bit and probably add penalties and
9 stuff like that. The whole thing is they want you to
10 try to eliminate any SSOs going on by removing inflow
11 and infiltration. I mean that's what we would be
12 doing.
13 MS. YANCOSKIE: You mentioned that
14 this is a temporary or 15 or 20-year temporary. Is
15 this just all talk with these other municipalities?
16 Is there some real official action being taken?
17 THE WITNESS: Yeah. Down below the
18 Authority, RHM system has metering stations. Like I
19 said, we have 22 metering stations. They were put in
20 back in the initial construction of the sewer system
21 and the treatment plant back in the mid to late 40's.
22 So the RHM has always been metered throughout our
23 system.
24 Down below had no metering stations.

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1 They just went based on house usage, water usage and
2 stuff like that. I believe two years ago is when
3 DELCORA and DCJA, DELCORA got the grant and all money
4 from the government. They put in a hundred something
5 metering stations throughout Delaware County below
6 us. They are starting to monitor the flows now
7 coming in. And, you know, they are very well aware
8 of the situation down below that they have a lot of
9 inflow problems.
10 The growth down there, I mean they
11 are grown. They don't have the money and it is going
12 to be tough for them to start doing the I & I work
13 and stuff like that unless they get money from the
14 governments and all.
15 I believe the only thing that is
16 really going to happen through DELCORA and DCJA is
17 that they are going to increase costs for sewerage
18 down there until they can get the problem resolved.
19 And DCJA is probably going to end up going out and
20 getting grants to try to eliminate more flow, inflow
21 down there.
22 MS. YANCOSKIE: Just for benefit of
23 the record, DCJA, is it Delaware County Joint
24 Authority?

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1 THE WITNESS: I am sorry, Darby
2 Creek Joint Authority. DELCORA is Delaware County
3 Regional Authority.
4 MS. YANCOSKIE: I have no more
5 questions at this time, Mr. Chairman.
6 MR. KANE: Do you want to take a
7 break?
8 MS. YANCOSKIE: Yes.
9 MR. KANE: We are going to take a
10 two-minute recess.
11 (Whereupon, a brief recess was
12 taken.)
13 MR. KANE: We are going to resume
14 the meeting the Haverford Township Zoning Hearing
15 Board of Thursday, November 5, 2009. We have an
16 administrative matter that we need to address at this
17 time and I'm going to ask Mr. Malone to address it.
18 MR. MALONE: The reason for the
19 break, that we took the break was testimony was given
20 by Mr. Reardon concerning some issues with DELCORA --
21 I won't paraphrase it any more than that -- which
22 caused us to need to take a break.
23 Mrs. Yancoskie is on the board of
24 DELCORA. And so first I want to turn to Mrs.

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1 Yancoskie and given the application that is before
2 you, which is for a height variance, and given the
3 testimony that you have heard thus far, do you
4 believe that you can fairly and impartially listen to
5 the evidence that is presented, deliberate and take
6 advice concerning any legal issues and render an
7 impartial decision in this matter?
8 MS. YANCOSKIE: Because we are
9 dealing with a variance and request for that and a
10 height issue, yes, I think I can. But if anyone
11 has an issue, I will be very happy to recuse
12 myself.
13 MR. MALONE: That was next. I did
14 mention this to both counsel who have entered their
15 appearance and would ask first if they have any
16 issues with regard to Mrs. Yancoskie's participation
17 in this matter?
18 MS. LABRUM: The Sewer Authority
19 certainly doesn't have any objection.
20 MR. BYRNE: And neither does the
21 township.
22 MR. MALONE: Then out of an
23 abundance of caution, I would ask if there is anyone
24 else present here who would have a problem with Mrs.

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1 Yancoskie participating in this matter?
2 (No response.)
3 MR. MALONE: Hearing nothing, I see
4 no reason, Mrs. Yancoskie, for you to recuse yourself
5 given what we have heard thus far and given the
6 nature of the application.
7 MS. YANCOSKIE: Thank you.
8 MR. KANE: Do you want to continue
9 with your questions?
10 MS. YANCOSKIE: I think I concluded
11 my questions.
12 MR. KANE: Ed Casulli?
13 MR. CASULLI: Sure. Mr. Reardon,
14 I'm not sure -- I'm not very familiar with the sewer
15 system, but I'm sure you guys came up with a bunch of
16 alternatives and decided on this one. Later in your
17 testimony, are you going to talk about this or is
18 this the time to do it now?
19 MS. LABRUM: We were going to
20 present the engineer as our next witness who probably
21 is a witness with more information on the site
22 selection.
23 MR. CASULLI: Not just site
24 selection. Other options beside the tank.

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1 THE WITNESS: There were other
2 options. Talking with D.E.P. we had sewer plant be
3 installed, satellite stations be installed throughout
4 the system, the parallel line which that's what we
5 all want but it is not going to happen for a while
6 and then the storage tank.
7 MR. CASULLI: Does all Haverford
8 sewerage go through this one line to one treatment
9 plant?
10 THE WITNESS: Yeah, the RHM system,
11 not all of Haverford Township. We take a third of
12 Haverford Township. The rest of the flow goes into
13 the Cobbs Creek drainage area through Upper Darby.
14 MR. CASULLI: Does that back up?
15 THE WITNESS: I really don't know.
16 We are not involved in that system over there, but
17 yeah, I do believe there are some backups and stuff
18 over there.
19 MR. CASULLI: Yes or no, do you
20 know?
21 THE WITNESS: Yes, I do. I mean
22 from calls I get from Upper Darby and I refer them to
23 Haverford Township informing them that it is
24 Haverford Township's, that's the Cobbs creek service

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1 area.
2 MR. CASULLI: So they are having
3 the same sort of issues?
4 THE WITNESS: I believe so.
5 MR. CASULLI: What about other
6 townships, Marple?
7 THE WITNESS: On the central
8 side --
9 MR. CASULLI: I am just -- -
10 THE WITNESS: I'm just saying
11 Marple has had one SSO on the RHM system. As far as
12 on their central side, I'm not sure if they have ever
13 had any SSOs over there.
14 MR. CASULLI: Across our systems to
15 their systems instead of sending it down one line, is
16 there any over-capacity? Is that an option?
17 MS. LABRUM: I think the engineer
18 can describe this for you, but it is my understanding
19 that the sewer service areas are circumscribed by the
20 nature of the creek valleys that they are in. So
21 Haverford Township is only partially served by this
22 Sewer Authority.
23 There is another sewer authority
24 which also serves Haverford Township and it is the

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1 same with Marple. Part of Marple in this sewer
2 authority and also in another sewer authority. And I
3 think historically it is based on the watershed.
4 MR. CASULLI: Do the sewer
5 authorities share their capacities in any way or they
6 are completely isolated systems?
7 THE WITNESS: No, we are isolated.
8 MS. LABRUM: They are isolated
9 systems running down to a central collection system.
10 MR. CASULLI: Is there any idea you
11 didn't consider a cross line?
12 THE WITNESS: We would have to put
13 pump stations in.
14 MR. CASULLI: Kind of like you are
15 doing now?
16 THE WITNESS: No, we would have to
17 put pump stations and force main pump into the other
18 service areas, but we would also have to buy into
19 that if they have capacity, which they don't have
20 capacity.
21 MS. LABRUM: Most of these are
22 gravity systems and that's why it is based on creek
23 drainage system, so it follows down. Once you start
24 to try to pump, I think you may have had a piece of

<p style="text-align: right;">Page 41</p> <p>1 Marple in the Ellis area. You run into all kinds of 2 problems when you are using pumps to move it uphill, 3 to move the sewerage uphill. 4 MR. CASULLI: Right. Another 5 question I have, you mentioned 15 to 20 years to come 6 up with the -- 7 THE WITNESS: Parallel system. 8 MR. CASULLI: -- parallel pipe. 9 What was that 15 to 20 years based on? 10 THE WITNESS: Well, it would 11 probably take about ten years just to get all the 12 information; and 15, 10 to 15 years to get all the 13 easements, right-of-ways from here all the way down 14 to DELCORA pump station, which is Darby Township and 15 your engineer's studies. 16 MS. LABRUM: I think our next 17 witness might help. The Sewer Authority actually has 18 two lines and it took five years for the Sewer 19 Authority to get that second line because it requires 20 easements over private property. 21 So I think the engineer may. And 22 the 5 to 15 years is simply an estimate. The 23 estimate is based on their experience just inside 24 their service area constructing the second</p>	<p style="text-align: right;">Page 43</p> <p>1 MR. CASULLI: The next question, 2 you talked about the fines are approximately \$4,000. 3 I will even give you double it \$8,000. Not true? 4 THE WITNESS: I am just saying -- 5 no, I'm just waiting for you to finish. 6 MR. CASULLI: I am referring to 7 what you guys said. \$4,000 is a typical D.E.P. 8 fine? 9 THE WITNESS: I don't know. I know 10 Marple was fined 5,000 for their one SSO that they 11 had and that was more or less because they had -- 12 they did not notify D.E.P. when it happened. The 13 apartment building notified D.E.P. 14 So they more or less fined them for 15 not getting the paperwork together and not getting it 16 into them on time. 17 MR. CASULLI: If you get it into 18 them on time, the fine is less? 19 THE WITNESS: I don't know. 20 MR. CASULLI: How about your two 21 SSOs, what were the fines for those? 22 THE WITNESS: We weren't fined for 23 those. 24 MR. CASULLI: There were no fines?</p>
<p style="text-align: right;">Page 42</p> <p>1 interceptor, which is a parallel line. 2 MR. CASULLI: Okay, my last 3 question now but it is probably going to go to the 4 engineer as well, you said the overflow is 500,000 in 5 2008? 6 THE WITNESS: Yes. 7 MR. CASULLI: Nothing in 2009? 8 THE WITNESS: Right. 9 MR. CASULLI: 2007? 10 THE WITNESS: I believe we had one 11 in 2007 and three in 2006. 12 MR. CASULLI: What were the size of 13 those? 14 THE WITNESS: Probably around the 15 same, three to 500,000. 16 MR. CASULLI: Three to 500,000? 17 THE WITNESS: Yes. 18 MR. CASULLI: You mentioned the 19 tanks will be 1.5 million gallons. Why three times 20 the size? 21 THE WITNESS: Well, that's the 22 engineer. 23 MS. LABRUM: That's definitely the 24 engineer's question.</p>	<p style="text-align: right;">Page 44</p> <p>1 THE WITNESS: No. 2 MR. CASULLI: Well, so my question 3 is you have these plans for putting in, you know, a 4 parallel line, 15 to 20 years, but if you are going 5 to put a two, three million dollar tank, why would 6 you consider putting the lines in? 7 THE WITNESS: Because we have SSOs 8 down there. It is a safety and health. 9 MR. CASULLI: Once you put the tank 10 in, you're not going to have SSOs. 11 THE WITNESS: Exactly. 12 MR. CASULLI: Why put the line in? 13 THE WITNESS: The problem is still 14 going to be there. Growth-wise throughout RHM 15 system, the more and more inflow that gets in the 16 system down below, the parallel line, it is going to 17 have to go in eventually some time. Whether DCJA and 18 DELCORA go for it or E.P.A. and D.E.P. pressure them 19 to put it in or demand them to put it in. 20 Like I say, when it goes in, RHM has 21 to pay their share because of our flow going into 22 that system. So whatever the cost is, RHM pays a 23 portion of that. 24 MR. CASULLI: Who downstream has</p>

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1 SSOs of us?
2 THE WITNESS: What municipalities
3 below us?
4 MR. CASULLI: Have SSOs.
5 THE WITNESS: We are not informed
6 of that. Only what we read in the paper.
7 MR. CASULLI: So I envision this
8 one gigantic pipe that goes from us all the way down
9 to this end sewer plant and along the way you have
10 water going in. But the closer you are to the plant,
11 the less chance you are going to have of an SSO
12 because the pipe is big enough to take the water. Is
13 that not true?
14 THE WITNESS: No. Colwyn, which is
15 down at the bottom, I know for years they have always
16 had blowouts down there. There's people, because I
17 live down at the bottom in Sharon Hill, and I know
18 they had a lot of problems down there years ago and
19 people have had lawsuits against DCJA and all because
20 of health conditions that occurred because of
21 sewerage getting in their system, into their
22 basements and stuff like that because when it --
23 MR. CASULLI: It is not big enough
24 down there either?

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1 THE WITNESS: No, it is a 16-inch
2 line down there, but when you have all the inflow
3 coming --
4 MR. CASULLI: Still backs it up?
5 THE WITNESS: Yeah. DCJA I want to
6 say about 10, 12 years ago, they had their 16-inch
7 line cleaned, which had approximately 15 inches of
8 grit. So that reduced the size of the pipe.
9 Since they had that line cleaned,
10 that eliminated a lot of the SSOs down and plus they
11 did some maintenance work on their interceptor line
12 behind the homes and stuff to try to eliminate the
13 flooding and stuff like that. That's helped a
14 portion, but the main problem is inflow getting into
15 the system.
16 MR. CASULLI: You mentioned they
17 put a bunch of metering systems in with grants to
18 kind of monitor the flows?
19 THE WITNESS: Yes.
20 MR. CASULLI: Does that give you
21 any indication where the weak spots are?
22 THE WITNESS: It will for them. We
23 don't get that information from DCJA or DELCORA.
24 That's flow information they receive and they inform

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1 them municipalities down there.
2 MR. CASULLI: I don't know if you
3 asked the question, is there something about a
4 blockage that was cleaned out and you haven't had any
5 issues since?
6 THE WITNESS: We haven't had as
7 many SSOs as we used to have prior to removing this
8 blockage down behind Drexelbrook shopping center.
9 MR. CASULLI: When was the blockage
10 removed?
11 THE WITNESS: It was three,
12 four years ago. About four years ago.
13 MR. CASULLI: So none in 2009; two
14 in 2008; and one in 2007 and two in 2006?
15 THE WITNESS: Right, three I think
16 was 2006.
17 MR. CASULLI: I will wait. That's
18 all I have for now. I will wait for the engineer to
19 come up.
20 MR. KANE: Ed Magargee?
21 MR. MAGARGEE: Just a couple of
22 questions. Do you know of any other D.E.P. ordered
23 corrections being made of other municipalities?
24 THE WITNESS: For?

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1 MR. MAGARGEE: For similar type
2 tanks.
3 THE WITNESS: For SSOs, no, not
4 really. I mean we don't get informed of when anybody
5 else has any problems or anything like that.
6 MR. MAGARGEE: I know that
7 Philadelphia has another thing, they have CSOs, which
8 overflow every time it rains.
9 THE WITNESS: Yeah, Philadelphia is
10 combined sewer system. They take in storm water and
11 sanitary sewer. So I mean when you get heavy rains
12 and stuff like that --
13 MR. MAGARGEE: It doesn't take much
14 rain.
15 THE WITNESS: You got a lot of
16 blacktop.
17 MR. MAGARGEE: There's 28 or 29 on
18 Cobbs Creek alone.
19 MR. KANE: What is a CSO as
20 compared to an SSO?
21 MR. MAGARGEE: They don't have
22 sewer lines.
23 THE WITNESS: It's a combined
24 system. It is sanitary and storm sewers. Our

1 townships, we have sanitary sewers and then we have
2 storm sewers. It is all separate. Philadelphia is
3 combined systems where they take their storm sewer
4 water in also. The storm drains in Philadelphia all
5 end up in the sanitary sewer system.

6 MR. MAGARGEE: I guess the
7 roundabout way of asking that, D.E.P. didn't single
8 you out for particular incidents or it just happened
9 to be discussions on sewer planning?

10 THE WITNESS: For us to do more
11 than what we are doing?

12 MR. MAGARGEE: Right.

13 THE WITNESS: We are at the top end
14 of the system, the RHM. We are at the top end and
15 whatever happens, any additional flow that gets into
16 the system from down below, RHM gets blamed for.

17 So like I say, we since '74, RHM has
18 an I & I program going on. In the last 12 to
19 15 years, our flows haven't gone up, even though we
20 have had development and stuff throughout our
21 townships.

22 But down, you know, not to say we
23 don't have I & I problems. We do. But we do a lot
24 of work to try to alleviate it. Down below, there is

1 old sections down there, they are built up, they are
2 not growing. There is no reason for them to go out
3 and do major I & I work.

4 MR. MAGARGEE: There is a reason,
5 but they don't have the funds to do it.

6 THE WITNESS: Yes, there is a
7 reason, but RHM is at the top end, so D.E.P. is going
8 to enforce RHM to do whatever we can do to eliminate
9 any inflow infiltration that we can do and then also
10 try -- they have been trying to get us to get our
11 townships to do more and stuff like that.

12 We can't write ordinances. We can't
13 say the townships have to do this, have to do that.
14 We don't have that authority. We just have meetings
15 with them and inform them that things, you know, this
16 is what we see, and which I know Haverford already
17 did stuff with their code and stuff like that for
18 sump pumps and stuff like that.

19 Radnor Township also did the same
20 type of policy to try to alleviate it and stuff like
21 that.

22 MR. MAGARGEE: It is good they are
23 trying to be proactive to eliminate the flow in the
24 creeks. I'm not against that.

1 The other thing I missed when you
2 were talking is the pumps, with this forced main, so
3 the pumps that are actually going to pump into this
4 tank will be down by Merry Place?

5 THE WITNESS: It will be at our
6 parking lot. We are right there at Merry Place. It
7 will be in our parking lot there and it pumps and the
8 well tanks will be there.

9 MR. MAGARGEE: They have to be
10 pumped all the way up to this tank.

11 THE WITNESS: From there up to that
12 location.

13 MR. MAGARGEE: That's all I have.

14 MR. KANE: You said the pumps would
15 be electric?

16 THE WITNESS: Yes.

17 MR. KANE: And there will be a
18 generator, a backup generator?

19 THE WITNESS: Backup I believe
20 diesel generator at this time.

21 MR. KANE: Where will that be
22 located?

23 THE WITNESS: That will be located
24 at our shop. It will probably be behind our building

1 and we will probably have a platform back there so it
2 is above ground.

3 MR. KANE: How high?

4 THE WITNESS: I'm not sure.

5 MR. KANE: How high off the
6 ground?

7 THE WITNESS: Probably at least
8 eight feet. During Hurricane Floyd we had eight feet
9 of water.

10 MR. KANE: That's why I was asking.
11 What would happen if the back up generator was
12 submerged in water and failed?

13 THE WITNESS: Well, there wouldn't
14 be no reason to have the pumps on anyway if the flow
15 got up that high. We wouldn't be able to pump
16 nothing. I mean because the creek water would be
17 dumping into the pump station and you would be just
18 pumping creek water.

19 MR. KANE: Clean water.

20 THE WITNESS: Yeah. When we pump
21 into this tank anyway, it is going to be diluted
22 water. I mean it is going to be inflow getting into
23 the system. So the sewerage isn't going to be as
24 strong as it is now without rainwater being in it.

1 But once we start surcharge, you have excess inflow
2 in there. So it is diluted sewerage being pumped up
3 there.

4 MR. KANE: If the generator failed,
5 you would still have an SSO technically.

6 THE WITNESS: Yeah, if we lost
7 power and the generator for some reason didn't kick
8 in, we would have an SSO. And it would have to be
9 documented and reported to D.E.P.

10 MR. KANE: But if it is eight-foot
11 above grade, maybe there is a way you can measure
12 that, but I can't measure that.

13 THE WITNESS: No.

14 MR. KANE: Ken?

15 MR. RICHARDSON: When you were
16 talking about infiltration, everybody has a water
17 meter, so technically my sewerage and my sewer bill
18 is based on my water meter.

19 THE WITNESS: Yeah, I believe it is
20 based on the percentage of that, yes.

21 MR. RICHARDSON: So you can figure
22 out how many gallons of water I am using by my bill?

23 THE WITNESS: The township can. We
24 don't get water usage.

1 MR. RICHARDSON: Each of the
2 townships that you represent can.

3 THE WITNESS: Yes.

4 MR. RICHARDSON: So therefore you
5 could probably figure out if you had a good
6 calculator how much sewerage based on water
7 consumption you should get.

8 THE WITNESS: No, because the water
9 usage you are using, I believe the townships are
10 billing you based on X amount of dollars per thousand
11 gallons. I believe that's how it works. But you are
12 not using -- everything you are using in your
13 household is not going down your sewer. Maybe
14 washing your car, watering your lawn, filling your
15 pool. It is not all going into the sewer.

16 MR. RICHARDSON: Just to humor my
17 calculation, if you took everybody's water bill and
18 said you had this many million gallons of sewerage
19 that you had to treat, then based on that, not
20 counting on washing cars and watering lawns and that
21 kind of stuff, you could maybe figure out what your
22 infiltration rate is.

23 THE WITNESS: Yes. If that was
24 possible, yeah. I mean if you knew exactly what

1 everybody used and how much was getting into the
2 system, you could come up with a figure and a
3 percentage of how much is inflow or infiltration. It
4 would have to be infiltration because inflow, that's
5 during rain events and stuff.

6 MR. RICHARDSON: Right now you know
7 by meters right now how much you process and what
8 goes through your system?

9 THE WITNESS: Yes.

10 MR. RICHARDSON: So to me in my
11 mind, in a rough way, we could figure out, if we
12 could figure out that we have 500,000 gallons of
13 infiltration in our system, and we can eliminate
14 that, we wouldn't need the tank or it is not that
15 easy?

16 THE WITNESS: It is not
17 500,000 gallons. Our normal flows, we had this here
18 when we had the meeting with the -- our normal flows
19 during like April to August, we run between about 7.2
20 to 7.8 million gallons a day. During rain events at
21 that time we can go anywhere from 8 to 10 million
22 gallons, 11 million gallons a day.

23 MR. RICHARDSON: To me the
24 assumption is that's not two million gallons of extra

1 flushes. That's infiltration.

2 THE WITNESS: Yes, inflow, sump
3 pumps, downspouts, things like that.

4 MR. RICHARDSON: That goes back to
5 a couple of times you talked about that you can't
6 legislate that the townships can pass laws about sump
7 pumps and where gutters are running and that kind of
8 stuff. That kind of stuff would certainly help your
9 situation.

10 THE WITNESS: Yes.

11 MR. RICHARDSON: Thank you.

12 MR. KANE: Evelyn?

13 MS. YANCOSKIE: No further
14 questions.

15 MR. KANE: Ed Casulli?

16 MR. CASULLI: No, I will wait.

17 MR. KANE: Ed Magargee?

18 MR. MAGARGEE: No.

19 MR. KANE: Mr. Byrne?

20 MR. BYRNE: No, thank you.

21 ---

22 FREDERICK H. WILLIAMS,
23 having been first duly sworn, according to law, was
24 examined and testified as follows:

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1 ---
2 MR. KANE: Please state your full
3 name and the occupation in which you appear before
4 the Board this evening, please.
5 THE WITNESS: My name is Frederick
6 H. Williams. I am an engineer with Advanced Geo
7 Services in West Chester, Pennsylvania.
8 MR. KANE: What was the name of
9 your company?
10 THE WITNESS: Advanced Geo
11 Services.
12 DIRECT EXAMINATION
13 BY MS. LABRUM:
14 Q. Mr. Williams, how long have you been
15 employed as a civil engineer?
16 A. Approximately 37 years.
17 Q. What's your association with RHM?
18 A. I am a consultant for the RHM
19 Authority.
20 Q. How long have you acted as a
21 consultant for RHM?
22 A. Since that period of time.
23 Q. Have you previously been qualified
24 to testify as an expert witness in the field of

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1 engineering in Pennsylvania?
2 A. Yes.
3 Q. In what courts?
4 A. I'm not sure what the court was, but
5 it was on behalf of Penn Township in Chester County
6 on two cases.
7 Q. Have you had experience as a civil
8 engineer on municipal sewerage projects?
9 A. Yes.
10 MS. LABRUM: I would offer Mr.
11 Williams as an expert in the field of civil
12 engineering.
13 MR. KANE: Do you have a C.V.?
14 THE WITNESS: I'm sorry?
15 MR. KANE: A resume for Mr.
16 Williams.
17 MS. LABRUM: I don't.
18 THE WITNESS: I don't have that
19 with me, no.
20 MR. KANE: I have some questions,
21 but Mr. Byrne?
22 MR. BYRNE: I don't have any
23 questions as to qualifications for Mr. Williams.
24 BY MS. LABRUM:

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1 Q. Mr. Williams, can you tell us where
2 you attended college?
3 A. Drexel University. Graduated in
4 1972.
5 Q. And the degree you received?
6 A. Civil engineering.
7 Q. After graduating, what did you do?
8 A. I continued working as a civil
9 engineer for Westin Company.
10 Q. How long did you work for Westin as
11 a civil engineer?
12 A. 18 years.
13 Q. After the 18 years -- what did you
14 do for Westin as a civil engineer for those 18?
15 A. Designed wastewater projects and
16 also became involved with the inspection during the
17 construction of those projects.
18 Q. After leaving Westin, who did you
19 become employed by?
20 A. Worked on -- well, worked for myself
21 as a subcontractor to other engineering firms in the
22 West Chester area and then teamed up with a previous
23 employer at Westin, and we formed a company called
24 R.E. Coleman Associates, which was an engineering

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1 firm in the same field, in the wastewater field.
2 Q. How long did you run R.E. Coleman?
3 A. That was approximately 17 years.
4 Q. R.E. Coleman also specialized in
5 wastewater treatment projects?
6 A. Correct.
7 Q. Since joining Geo --
8 A. Advanced Geo Services in the same
9 area of the work, yes.
10 MR. MALONE: Mr. Williams, you're a
11 licensed engineer in the Commonwealth of
12 Pennsylvania?
13 THE WITNESS: No, I am not.
14 MR. MALONE: Do you have licensure
15 in any state or Commonwealth?
16 THE WITNESS: No, no.
17 MR. MALONE: Have you been denied
18 licensure in the Commonwealth of Pennsylvania?
19 THE WITNESS: No.
20 MR. MALONE: You just haven't
21 applied?
22 THE WITNESS: Correct.
23 MR. KANE: Do any Board members
24 have any questions or concerns with respect to

<p style="text-align: right;">Page 61</p> <p>1 accepting Mr. Williams as an expert? Ken? 2 Kathy, as you know, we are cautious 3 with accepting expert testimony because at future 4 hearings or people use it as a reference at other 5 hearings if you were accepted by other boards, and I 6 just want to be -- 7 MS. LABRUM: I think under 8 Pennsylvania law and Brass Rail and more recently the 9 Supreme Court opinion in the Nurse Opinion case, Mr. 10 Williams is clearly qualified as an expert witness 11 under Pennsylvania laws interpreted by the Supreme 12 Court of Pennsylvania. 13 MR. KANE: Any objection from any 14 Board members? 15 MR. RICHARDSON: Can I ask a 16 question? I don't know if this is an exhibit yet. 17 MR. KANE: No. 18 MR. RICHARDSON: I can't ask a 19 question? 20 MR. KANE: Any questions or 21 objections from any of the Board members? 22 MR. MAGARGEE: No. 23 MR. CASULLI: No. 24 MR. KANE: We will accept Mr.</p>	<p style="text-align: right;">Page 63</p> <p>1 that ball field or that batting cage. 2 MS. LABRUM: For purposes of the 3 record, I would identify this exhibit as Exhibit A-4 4 for the Board and the same picture is displayed on 5 this board right here for the audience. 6 MR. KANE: Kathy, A-4 is a photo 7 with the tank superimposed? 8 MS. LABRUM: With the tank 9 superimposed behind the batting cage. The plot plan 10 here provides a perspective here for you. This 11 picture is Picture 3, and the person would be 12 standing where the 3 is and looking at the proposed 13 tank. And this would be the vantage point that the 14 person would see if he or she were standing where the 15 3 is. 16 This is an artist's rendering of how 17 much of the top of the tank will be visible for a 18 person standing here. This is the tank, this is 19 Glendale Road. 20 The photograph 2 is the view from 21 Glendale Road from a pedestrian or a car at this 22 spot. 23 And photograph 1 is the person 24 standing in the creek looking at the rear of the</p>
<p style="text-align: right;">Page 62</p> <p>1 Williams as an expert. 2 THE WITNESS: Thank you. 3 BY MS. LABRUM: 4 Q. You have heard the testimony that 5 the Sewer Authority is requesting a height variance 6 to allow to construct the sanitary sewer holding tank 7 for emergency situations to address the concerns 8 created by the sanitary sewerage overflows. Can you 9 describe for the Board the tank that's being proposed 10 here this evening? 11 A. Yes. The tank is circular pre- 12 stressed concrete tank. It will be 100 feet in 13 diameter and 26 and a half feet high. 14 Q. That 26 and a half feet high, what 15 portion of the height of the tank is going to extend 16 above grade level? 17 A. On one side of the tank, for 18 instance, if you are looking from the ball field 19 side, the picture on the left-hand side there, the 20 tank will be 13 feet above grade at that location. 21 And the reason that I know that and 22 was able to prepare the picture is we have measured 23 the batting cage which happens to be 12 feet high and 24 that then shows the top of the tank being just above</p>	<p style="text-align: right;">Page 64</p> <p>1 tank, which is the largest exposure. This is the 2 six-foot above the variance height, the back, and the 3 creek is right here. 4 MR. KANE: Just so I can keep the 5 exhibits straight, then -- 6 MS. LABRUM: The exhibit that has 7 just been passed to the Board is marked Exhibit 4A. 8 MR. KANE: Are you going to 9 identify 3, 5 and 6 also at this time? 10 MS. LABRUM: This is 4C and this is 11 4B. We have skipped over Exhibit 3, which is a tank 12 which you will hear about. A visit was taken by 13 members of the Sewer Authority. 14 MR. KANE: So A-4A is the photo 15 with the tank superimposed behind the batting cage at 16 Genthert field. A-4B is? 17 MS. LABRUM: A view of the rear of 18 the tank taken from a vantage point of a person in 19 Darby creek. 20 MR. KANE: A-4C? 21 MS. LABRUM: Is a view from 22 Glendale Road right here. This is the plot plan that 23 members of the Board have. 24 On two, you would be looking in this</p>

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1 direction.
2 MR. KANE: A-4C is the plot plan?
3 MS. LABRUM: Just 4. 4C is the
4 picture viewed from Glendale Road of the tank for a
5 person walking or driving on Glendale.
6 MR. KANE: So A-4 is the plot plan.
7 Are you going to hand up those others?
8 MS. LABRUM: I will. I will have
9 the witness identify 4B.
10 THE WITNESS: Yes, this is 4B
11 looking at the tank from the creek.
12 BY MS. LABRUM:
13 Q. And 4C?
14 A. 4C looking at the tank from Glendale
15 Road.
16 Q. You testified that the tank is going
17 to be 26 and a half feet high. Can you describe for
18 the Board what portion of that tank will be above
19 grade level and how it is situated?
20 A. At the, looking from the ball field,
21 I indicated to you already that it is 13 feet high
22 and the tank on the creek side is about 18 feet high
23 from the grade surface. So that will put us six and
24 a half feet above the limit of 12 feet.

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1 Q. The location that the tank is
2 proposed to be built in, can you describe that
3 location?
4 A. The location at this particular
5 location, it is south of the ball field, which is on
6 Genthert or the Genthert field off of Raymond Drive
7 and Glendale Road. That's the location of the tank.
8 And it is behind essentially the center line of the
9 tank is behind the batting cage.
10 Q. Is the tank in its proposed location
11 adjacent to or in the floodplain?
12 A. The tank is not in the floodplain.
13 Q. Does the floodplain present an
14 impediment to the construction of the tank?
15 A. No.
16 Q. Has it affected the placement of the
17 tank?
18 A. Well, it affected, we wanted to make
19 sure that the tank was out of the floodplain.
20 Q. Can you describe the function of the
21 proposed tank?
22 A. The function of the tank is to take
23 the flows, the flows that we have that have occurred
24 as an SSO, sanitary sewer overflow at Merry Place.

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1 And then being pumped from a pump station in the
2 parking lot of the RHM Authority facility, it would
3 then be pumped in what's called a forced main up to
4 the tank.
5 Q. You heard Mr. Reardon testify that
6 the Authority has considered other sites and did
7 discuss other sites with the planning commission.
8 Could you tell us the considerations that went into
9 the selection of this site and what other sites you
10 looked at and the reasons that they did not result in
11 the selection?
12 A. The first site that we looked at and
13 was a year ago that we presented to the planning
14 commission and the residents at the planning
15 commission was located at the Merry Place park right
16 adjacent to the driveway that goes into the park.
17 Of course we had resident complaints
18 about being in front of my house and which we
19 understood. And then we presented three other sites
20 for the tank. One was about 1300 feet from Merry
21 Place; the other was about 2600 feet from Merry
22 Place; and one was in, the other location was in the
23 public works yard for Haverford Township up on top of
24 the hill.

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1 The tank up on top of the hill
2 represented a situation where the force main would be
3 considerably longer than the force main that if we
4 were to go in from the pump station to the tank at
5 Merry Place, which was only a couple hundred feet.
6 Since we didn't want to proceed with
7 that, we actually selected the tank location behind
8 the baseball field because we had access along our
9 easement for our vehicles to gain access to the tank
10 and so forth. It's closer. It's closer than going,
11 pumping all the way at the top of the hill to the
12 Haverford Township Public Works yard.
13 That could be done but that is going
14 to increase the total cost of the job. The operation
15 and maintenance of that tank if we were to have a
16 problem, we would have to go around the Glendale Road
17 to West Chester Pike and then back up the road to the
18 Haverford Township Public Works yard. It's just not
19 the area that we would like to have that tank.
20 In addition, I have heard in our
21 other public meetings that the residents really
22 aren't happy with that location either.
23 We feel that the tank behind the
24 baseball field is the better place to put it. It

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1 gives us a better option to maintain access to that
2 tank for operational purposes, for construction of it
3 and essentially maintenance of that tank.
4 Q. Were there residences in close
5 proximity to the Public Works site?
6 A. Yes.
7 Q. You testified that one site was 1300
8 feet away from Merry Place and the third site was
9 2600 feet away from Merry site. What was the third
10 site?
11 A. The third site was along the Darby
12 creek and the easement that we have for the two
13 interceptors, interceptor sewers, but yet that
14 particular location would be in the floodplain.
15 MR. CASULLI: What does that mean?
16 THE WITNESS: Pardon me?
17 MR. CASULLI: What does being in
18 the floodplain mean and why is that no good?
19 THE WITNESS: You are essentially
20 not allowed by code, zoning ordinance, you are not
21 supposed to be building in the floodplain. It is
22 also an issue with the state for building in the
23 floodplain. And what that does is if you put
24 something in the floodplain, you have the potential

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1 of raising the elevation of the floodplain, of the
2 floodwaters in that area. So it is something that is
3 a regulation with the township and the state.
4 BY MS. LABRUM:
5 Q. Can you describe for the Board the
6 actions taken by the Sewer Authority in order to
7 construct the parallel line that you currently own?
8 A. We had to -- in other words, to
9 construct what we have already done?
10 Q. Yes.
11 A. It took us about five or six years
12 to survey the line which ran from Merry Place all the
13 way up to Radnor Township. The design of it, the
14 surveying, the design of it and then the process
15 that you have to go through with the state to get a
16 permit to build a facility like that and that took a
17 good five or six years and that was back in the late
18 70's.
19 Q. Did you also have to obtain
20 easements?
21 A. We had to obtain easements all along
22 that entire existing interceptor that we paralleled.
23 Even though we had an easement for that, we still had
24 to go through the same process because we were taking

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1 up additional land.
2 Q. And is that experience the basis of
3 your estimate that it is going to take a considerable
4 amount of time for a new interceptor line?
5 A. Yes, that is a basis knowing that
6 you have other townships involved. By the way, the
7 original parallel interceptor was basically through
8 two, three townships: Marple, Haverford and also
9 Radnor.
10 In the case of putting in a parallel
11 interceptor downstream of us, we are talking about
12 all the townships that John Reardon mentioned that we
13 would have to go through.
14 We would have stream crossings. You
15 have permits for stream crossings, things of that
16 nature. And it is just going to take a long time
17 just to do the surveying, the design and getting the
18 permitting accomplished with the state.
19 So on that basis, with our
20 experience and so forth, we feel that that's going to
21 take that amount of time.
22 We have discussed that with DELCORA,
23 we have discussed it with DCJA, we have discussed it
24 with Catania firm which is downstream and the

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1 engineer for the Darby Creek Joint Authority, and
2 they essentially concur it is going to take that
3 amount of time.
4 Q. Do you have an estimate as to the
5 expense involved?
6 A. I think the number that we were --
7 that had been generated with discussions with
8 Cantania was in the range of \$60 million.
9 MR. BYRNE: I am sorry. Did you
10 say 60 or 16?
11 THE WITNESS: 60.
12 BY MS. LABRUM:
13 Q. You heard Mr. Reardon discuss the
14 proposed tank design and the generators. Can you
15 describe the generators that are being proposed for
16 this project?
17 A. To generate we have not designed the
18 generator yet. Whether it is going to be diesel or
19 whether it is going to be gas, natural gas. It can
20 be propane. I think we are probably heading toward
21 putting in a gas generator, natural gas.
22 The generator would be behind the
23 operations building that we have right now. It would
24 be up on essentially stilts that would provide as

1 clearance above any floodwaters in that area. And
 2 that is going to range anywhere from 8 to 10 feet.
 3 Q. This generator, would it be designed
 4 to run whenever the pump system was on?
 5 A. Yes. It would be designed to kick
 6 on if the pumps were running and then they stopped;
 7 then it would kick on. There is a transfer switch
 8 that would direct the power from the generator now
 9 back through the transfer switch to the pumps.
 10 Q. So it would be designed only to run
 11 when the electricity to the site failed?
 12 A. Yes. In addition, you have a
 13 generator; you have to exercise it. And more than
 14 likely it would be twice a month that you would
 15 exercise it, meaning you would run it for half hour
 16 just to make sure that it works, you know, continues
 17 to work.
 18 Q. The proposed tank we have heard is
 19 going to contain 1.5 million gallons of wastewater?
 20 A. Right.
 21 Q. Can you describe to the Board how
 22 you arrived at 1.5 million gallons?
 23 A. Well, we have kept records of any of
 24 the SSOs that we have and that's the sanitary sewer

1 overflow. And the largest overflow that we have
 2 essentially estimated was 500,000 gallons.
 3 And based on a reasonable degree of
 4 engineering certainty, that is something that we feel
 5 is appropriate for that tank. And if it is
 6 500,000 gallons, we are talking about three times
 7 that, which is essentially a safety factor. That if
 8 it exceeds the 500,000, we have got another million
 9 gallons that we could fill into the tank. We don't
 10 expect that, but that's always a possibility.
 11 Q. Is this tank a gravity flow design
 12 tank?
 13 A. Yes.
 14 Q. Is there any significance attached
 15 to that?
 16 A. The significance is the existing
 17 parallel interceptor that we have in the ground right
 18 now in that area where the tank is will allow us to
 19 build the tank above, it has to be above that
 20 interceptor so that we can drain that tank by
 21 gravity.
 22 And the purpose of that is, is when
 23 we, when the storm essentially recedes and the flow
 24 starts to drop down, we intend to get down there with

1 our forces, the manpower that we have and the
 2 equipment, open the top of the tank. There is going
 3 to be four, they are called hatches that will allow
 4 us to stand on the tank with our jet truck near the
 5 tank and a hose that we have and we can wash down the
 6 interior of the tank as the flow starts to leave the
 7 tank through a gravity sewer, through a gravity line
 8 that will drain into the interceptor. And that's the
 9 why it is a gravity system.
 10 Q. How many times a year do you
 11 anticipate on average that the tank will be used?
 12 A. It may be used a couple of times a
 13 year.
 14 Q. Do you anticipate that there are
 15 going to be odors emanating from the tank or from its
 16 usage?
 17 A. Any time you fill a tank like that
 18 with sewerage or what I call diluted sewerage, which
 19 it has storm water with it, you are going to displace
 20 that air that's in the tank when you fill it.
 21 In order to take care of that, we
 22 intend to put in charcoal filters on top of the vent
 23 so that the air goes through that vent.
 24 We have also discussed this with the

1 D.E.P. because you talk about a situation with air
 2 quality. We have submitted information to the D.E.P.
 3 and they have come back and said that they are not
 4 concerned about the air quality of something coming
 5 out of that tank when we have a charcoal filter on
 6 that system.
 7 Q. When an SSO event is over and the
 8 tank is drained of the raw sewerage, what will the
 9 Sewer Authority do to maintain that tank?
 10 A. We intend to clean it immediately,
 11 to get rid of anything that is hanging up on the
 12 walls. There is going to be some interior structures
 13 in there to support the roof system, and that will
 14 all be washed down and essentially cleaned.
 15 At the same time, we now have, after
 16 we fill that tank, we have a force main that is going
 17 to be full of the diluted sewerage.
 18 We have to also flush that through
 19 with cleaner water to make sure that we get that out
 20 of there so that doesn't go septic. And the reason
 21 we clean the tank is so that it doesn't become a
 22 septic system and really generate odors.
 23 Q. Why can't the tank be built at a
 24 lower height or have more of the structure built

1 below grade?
 2 A. The main reason is because we want
 3 to be able to drain it by gravity. If we dig it or
 4 if we excavate for a tank this size that's going to
 5 be next to the parallel interceptor, we have the
 6 potential of the sewer line failure because we would
 7 be below the sewer line. And then in the case of
 8 removing the sewerage that's in the tank, we would
 9 have to again pump out of it.
 10 We don't want to have to pump twice.
 11 And if we can drain it by gravity and be successful
 12 in having the tank where we want to put it and at the
 13 height we want to put it, we can drain it out by
 14 gravity and do a better job of cleaning it.
 15 Q. Can you describe where the tank
 16 would be in relationship to the batting cage and the
 17 ball field at Genthert field?
 18 A. The tank, it is on the plan, site
 19 plan. It is approximately 15 feet from the batting
 20 cage on the side by the ball field.
 21 Q. Were there problems from the SSOs at
 22 the park that prompted the decision to propose this
 23 tank?
 24 A. Well, the problems are it is on the

1 ground; it is also flowing into the creek. You have
 2 got at times during the year, you have fish in the
 3 creek that the state puts the trout in or whatever
 4 they put in. So you don't want the water on the
 5 ground for children to be walking through, carrying
 6 any kind of coliform activity in the sewerage home.
 7 We don't want it go to into the
 8 creek because it pollutes the creek and that's a
 9 no-no as far as the state is concerned.
 10 Q. What steps is the Authority
 11 proposing to buffer the tank for visual purposes?
 12 A. We intend to plant trees,
 13 essentially arborvitae trees on the perimeter of the
 14 tank placed so that as they grow they will close up
 15 the gaps, but not so much they would die off because
 16 they would be too close.
 17 We plan to put in I think it is
 18 eight-foot distances between the trees and then have
 19 another row of trees that would be in front of that
 20 at the same dimension, so that when they do grow, it
 21 would create a pretty good barrier.
 22 MR. KANE: Arborvitae, they are
 23 evergreens, right?
 24 THE WITNESS: Yes.

1 BY MS. LABRUM:
 2 Q. Has the Haverford Township engineer
 3 reviewed the proposal?
 4 A. Yes, he has.
 5 Q. Did he raise any concerns with the
 6 project?
 7 A. He had a concern about where the
 8 tank is located. It is in a storm water basin that
 9 was installed years ago by Mr. Iacobucci for his
 10 development off of Raymond Drive. That storm water
 11 basin is still there. It is still active and we were
 12 displacing lot of that volume.
 13 So his concern was to essentially
 14 put that volume back. And how we accomplish that was
 15 to regrade the embankment that's shown on the plot
 16 plan, regrade that embankment and we were able to
 17 accomplish putting, essentially replacing the volume
 18 that would be deleted by the tank.
 19 That information was submitted to
 20 Mr. Pennoni and essentially agreed to what we had
 21 presented. The dark lines on the contours show where
 22 we intend to do the regrading.
 23 MR. KANE: How much -- you are
 24 going to change the slope of the remaining drainage

1 basin?
 2 THE WITNESS: Only where we are
 3 regrading.
 4 MR. KANE: How much would the slope
 5 change?
 6 THE WITNESS: It is going to meet
 7 the code. Right now I think it is a little steeper
 8 than what the code says today and we have regraded it
 9 to be 3 to 1 slope.
 10 MR. KANE: You have done
 11 calculations to show that that would compensate
 12 for --
 13 THE WITNESS: Yes, and we submitted
 14 those calculations to Dave Pennoni.
 15 MR. KANE: Sorry, Kathy.
 16 BY MS. LABRUM:
 17 Q. Why is it necessary to have a
 18 \$2 million tank erected by the Sewer Authority if it
 19 is only likely to be used a few times a year?
 20 A. You mean a 1.5 million?
 21 Q. \$2 million, 1.5 gallons.
 22 A. I am sorry, say the question again.
 23 Q. Why is it necessary to have this
 24 expensive tank erected if it is only going to be used

1 a few times a year?
 2 A. Well, we want to eliminate the
 3 health hazard of the sewerage coming out on to the
 4 ground and basically prevent that -- not prevent it,
 5 but take care of the problem so that the D.E.P. is
 6 satisfied that we are doing something positively to
 7 remove that health hazard.
 8 Q. You heard testimony previously that
 9 Marple was fined as a result of an SSO. Was that
 10 fine as a result of the SSO or as a result of the
 11 failure to timely report the SSO?
 12 A. I think it is a combination of both.
 13 I'm not absolutely sure, but if you don't report --
 14 if you have an SSO, you have got 24 hours to report
 15 that to the D.E.P. and then do something about it.
 16 And apparently in Marple Township, they were unaware
 17 that they had an SSO, but it affected the basement of
 18 that apartment building. And the owner of the
 19 apartment building apparently contacted the D.E.P.
 20 and that resulted in the fine.
 21 If you do what you are supposed to
 22 do, they generally will not really fine you, but if
 23 you are not actively pursuing to get rid of excess
 24 wet weather flows, they will start to fine you. And

1 we have shown them that the activity of the RHM
 2 Authority not only with this tank, but also with
 3 previous work that we have done to eliminate I and I
 4 situations, they have been working pretty well with
 5 us. And, you know, they will fine based on what
 6 their findings are with who they are dealing with.
 7 Q. Mr. Richardson asked a question
 8 about the former sewerage treatment plant that was on
 9 the park area. Are you aware of how the sewerage
 10 treatment plant was closed?
 11 A. Yes. Even though we weren't a party
 12 to it, meaning Westin, Pennoni took care of doing
 13 that work. But essentially it consisted of any of
 14 the concrete tanks that were there were demolished,
 15 they were demolished below grade. I think some of
 16 the foundations were removed in certain structures.
 17 But for the most part, the walls were taken down
 18 below grade, essentially about three feet, three or
 19 four feet and then everything was backfilled with
 20 clean fill.
 21 Q. Would it be possible to resurrect
 22 those tanks and reuse them?
 23 A. All of those tanks, if we were to
 24 use any of those tanks, it would have to be totally

1 rebuilt. The foundations were broken by drilling
 2 with a machine. So that any water that accumulated
 3 in that buried tank, even though it was demolished,
 4 you still get water that's going to percolate down to
 5 the soil and stay in that tank if you don't put holes
 6 in it. So they put holes in the bottom and any water
 7 that gets in there will drain out.
 8 Q. Is that land that the sewerage
 9 treatment plant was previously on currently in use?
 10 A. Is it currently in use? Yes. It is
 11 the Merry Place park.
 12 Q. What contractor does the Sewer
 13 Authority propose to use to construct the tank?
 14 A. We propose to use Dutchland, Inc.
 15 They are out of I think it is Gap, Pennsylvania.
 16 Q. Have you observed similar tanks
 17 constructed by Dutchland?
 18 A. Yes.
 19 Q. Can you describe what sites you
 20 visited with Dutchland?
 21 A. As a result of our first meeting in
 22 October of last year, we took a trip up there to see
 23 the location of the tank and to see if there's any
 24 odors that were emanating from the tank. And that

1 trip that we took was this past September when it was
 2 still warm out and that's when you would get any
 3 evidence of odors.
 4 Q. I am going to show you a document
 5 that's been marked Exhibit A-3. Can you describe for
 6 the Board what that is?
 7 A. This is the tank in Upper Uwchlan
 8 Township. It is at the end of a cul-de-sac in a
 9 subdivision. And I am standing in front of a house
 10 looking towards, this is a panoramic shot looking
 11 toward the tank and also the house to the right of
 12 the tank. And that's Exhibit A-3.
 13 Q. This is a residential neighborhood
 14 that this tank is erected in?
 15 A. Yes, it is.
 16 Q. Did you have occasion to speak with
 17 any of the neighbors in that subdivision?
 18 A. Yes. Right at the location where I
 19 was standing, taking the picture of the tank, there
 20 is a house behind me. We knocked on the door, talked
 21 with the lady that lived there. She's been there for
 22 six years and has not had any concerns about any
 23 odors whatsoever. That's a closed tank just like the
 24 tank we are going to install.

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1 MR. KANE: Property located -- I am
2 sorry, Kathy. May I interject? Mr. Williams, can
3 you tell me the differences between this tank and the
4 one that RHM is proposing to build?
5 THE WITNESS: This one is about
6 three million gallons, which is considerably larger
7 than the tank that we propose. The tank that we also
8 propose will not have these ribbed sections on it.
9 It will be plain concrete rapping around the tank
10 itself. It will have a cage ladder that is shown
11 here. We intend to put in a ladder that's going to
12 be childproof to prevent kids from climbing up and
13 getting on top of the tank. But essentially the same
14 tank, only smaller than this one.
15 MR. KANE: Are there any functional
16 differences between this tank and the tank that's
17 proposed?
18 THE WITNESS: The functional
19 difference is ours is going to be diluted sewerage.
20 This particular tank is utilized as a holding tank
21 for treated wastewater, essentially the same thing.
22 MR. KANE: Treated wastewater is
23 what this tank is used for?
24 THE WITNESS: Yes.

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1 MR. KANE: And the proposed tank
2 would be used for?
3 THE WITNESS: Well, our tank is for
4 diluted sanitary sewerage. This is for treated
5 wastewater and it is filled all the time and is
6 operated as part of a treatment facility in this
7 area, drip irrigation system.
8 MR. KANE: So what's the difference
9 between diluted wastewater and -- diluted sewerage
10 and treated wastewater?
11 THE WITNESS: The diluted
12 wastewater has probably twice the amount of sewerage
13 in the water itself.
14 The treated wastewater has gone
15 through a process right now that will allow them to
16 use that wastewater in a drip irrigation system which
17 will drip or percolate into the ground as an on-site
18 sewerage system. It is still wastewater. Ours is
19 still wastewater. Only we are filling and then we
20 are releasing it as soon as the storm subsides.
21 MR. KANE: I just have a concern, I
22 am going to ask you some questions later about the
23 odor, and you spoke to the neighbors that live in the
24 area surrounding this tank on A-3 and they didn't

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1 complain of any odors. But there is different
2 material stored in this tank than would be stored in
3 the proposed tank. Is that accurate?
4 THE WITNESS: That's correct.
5 MR. KANE: Because what's in this
6 tank on A-3 has already been treated?
7 THE WITNESS: That's correct, but
8 it is not treated to a point where -- it is
9 essentially primary treatment, which means that if
10 they let this water sit in here too long, it could
11 also create an odor problem.
12 Similarly, with our tank, it could
13 create an odor problem if we left the water in there
14 for a period of time and it tended to go septic. We
15 don't intend to have that happen.
16 MR. KANE: What type of filter was
17 on this tank?
18 THE WITNESS: On this one?
19 MR. KANE: Yes.
20 THE WITNESS: I'm not so sure that
21 they even have a filter on it.
22 MS. LABRUM: We have someone from
23 Dutchland that could probably answer that question.
24 MR. KANE: Do the ridges serve any

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1 purpose or are they just decorative?
2 THE WITNESS: I think it is just
3 for visual purpose. Structurally I don't think it
4 has anything to do with the structure.
5 MR. KANE: Okay. Sorry, Kathy.
6 BY MS. LABRUM:
7 Q. Your proposed structure has plain
8 concrete. What was the reason you went with the
9 plain concrete instead of the ridges?
10 A. The purpose of that is if, in fact,
11 the kids get in there and do any graffiti or
12 something like that, that's a lot harder to clean.
13 We plan to coat the tank with a material that will
14 allow us to wash it if, in fact, we get any kind of
15 graffiti.
16 Q. What's the proposed height of the
17 tank at the highest point above ground?
18 A. The highest point above ground will
19 be on the side of the creek. And that will be 18 and
20 a half feet, which is six and a half feet above the
21 zoning issue.
22 MR. KANE: What do you mean six and
23 a half feet above the zoning issue?
24 THE WITNESS: We can't build

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1 something that's higher than 12 feet. So if it's 18
2 and a half feet we are talking about six and a half
3 feet above.
4 MR. KANE: I thought I heard one
5 foot.
6 MS. LABRUM: On the other side.
7 Six feet on the creek side and on the ball field side
8 one foot.
9 THE WITNESS: Right. The reason
10 for that is because the embankment comes down a grade
11 differential.
12 MR. KANE: So there is a six-foot
13 drop from one end of the tank to the other end of the
14 tank?
15 THE WITNESS: Yes.
16 MR. KANE: In grade.
17 BY MS. LABRUM:
18 Q. Accepting that the tank has to be
19 1.5 million gallons, would it be possible and
20 feasible to expand the size of the tank so as to
21 bring it below the height requirements?
22 A. No, because we would then be getting
23 into the floodplain area.
24 Q. Is it possible to take the entire

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1 tank and pressure it down so that we came below the
2 height requirement in the code?
3 A. For the size that we have right now,
4 no, because we would then get into the situation of
5 putting the bottom of the tank below the sewer line
6 and also creating a possible problem with the
7 interceptor sewer being adjacent to it and the
8 excavation.
9 Q. If in the future the parallel
10 interceptor is constructed, will the Sewer Authority
11 remove the tank?
12 A. Yes.
13 Q. If, in the future, there is another
14 invention which will resolve the SSO problems, other
15 than the interceptor, will the Sewer Authority remove
16 the tank?
17 A. Yes.
18 Q. Can the Sewer Authority adequately
19 prepare for and prevent SSOs in the service area
20 without the proposed tank?
21 A. In the service area, restate the
22 question again.
23 Q. Can the Sewer Authority adequately
24 prepare for and prevent SSOs in the sewer authority's

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1 service area without the proposed tank?
2 A. No.
3 Q. Is the site selected chosen as a
4 result of engineering and environmental
5 considerations in order to be able to request the
6 least relief possible for this project in terms of a
7 variance?
8 A. Yes.
9 Q. And have all of your opinions this
10 evening been to a reasonable degree of engineering
11 certainty?
12 A. Yes.
13 MS. LABRUM: I don't have any
14 further questions.
15 MR. KANE: Mr. Byrne?
16 MR. BYRNE: Thank you.
17 CROSS EXAMINATION
18 BY MR. BYRNE:
19 Q. Mr. Williams, maybe you testified to
20 this, but I didn't quite understand. I think that in
21 response to the question that was asked, there was a
22 question that first said that the SSOs, the greatest
23 SSOs so far have been in the area of 500,000 gallons;
24 is that correct?

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1 A. Correct.
2 Q. Then I think you said based upon a
3 reasonable degree of engineering certainty, that the
4 tank should be 1.5 million gallons at a minimum?
5 A. Right.
6 Q. I guess what I would like to know is
7 what is it that makes you believe that it needs to be
8 1.5 million as opposed to 1.4, 1.3, 1.2, 1.1?
9 A. The reason is that it is similar to
10 a safety factor of three because if you have
11 500,000 gallons and you pump that in, you are clear.
12 If we should have an SSO that's a million gallons, we
13 still have about 500,000 left. If it exceeds that,
14 we are going to have an SSO.
15 So in our judgment, a factor of
16 three is a good engineering practice. We do that
17 with pumps, we do that with design of sewer lines,
18 treatment plants. You have an interceptor that's
19 designed with a factor of four. There's times when
20 based on the design manual, they say that homes are
21 three and a half times or 350 gallons per unit. We
22 actually use less than that because of changes in of
23 our design velocities and types of materials and
24 things like that.

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1 So if you have a factor of three, it
2 is in our opinion that it is a good safety factor.

3 Q. When you say our opinion, are you
4 talking about you and the folks at RHM or is it based
5 upon any studies?

6 A. It is based on engineering practice
7 that we have utilized for years and years.

8 Q. I mean, but is there -- you
9 referenced a manual. Is there a manual that says
10 this should be three times the size of your greatest
11 SSO?

12 A. No, because they don't have -- the
13 manual that I am talking about is a design manual for
14 collection system sewers, interceptor sewers and
15 treatment plants.

16 And what I was saying was the flow
17 for a connection or a particular residential
18 connection to the collection system sewers is
19 essentially based on 350 gallons per unit per EDU.
20 That is three and a half people.

21 You have averages of five people in
22 a home, you have averages of two people in a home.
23 Three and a half is a safety factor saying that every
24 unit is going to be three and a half people when in

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1 fact it isn't. So on that kind of a basis is what we
2 use as a safety factor.

3 Q. Was there any kind of study done to
4 determine what size tank you would end up with
5 without needing zoning relief? In other words, would
6 it be a tank that held 1.1 million gallons or two
7 million gallons?

8 A. We didn't consider that. We wanted
9 to make sure that we had a safety factor of three.
10 So we didn't go any lower than that, no. Let me just
11 expand on that a little bit.

12 We did look at the possibility of
13 putting in large pipes underground like they do with
14 storm water problems and so forth that you bury. We
15 don't have the room to do that. We looked at
16 four-foot diameter pipes, five-foot, six-foot
17 diameter pipes. We don't have the room to do that in
18 the facility that we have along your easement for the
19 interceptor.

20 If we could do that, we might as
21 well go ahead and build a new interceptor which is
22 not going to solve the problem right now. It is
23 going to take forever to get that done. If we could
24 have accomplished it with underground pipe, we would

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1 have done it. We don't have the room to do that.

2 Q. You said that the idea of bringing
3 it down and widening it a little bit would cause you
4 to go into the floodplain?

5 A. Correct.

6 Q. And I understand that you said that
7 you would need a variance from the township ordinance
8 to build in the floodplain, correct?

9 A. Well, it is an ordinance problem,
10 but it is also a state problem.

11 Q. That's where I was going to.

12 A. Yeah.

13 Q. Tell me about the state problem. I
14 understand the variance problem because we are here
15 tonight asking for a variance from height. So I
16 guess there's two questions that I have. Is the
17 floodplain variance more of a public safety variance?

18 A. Absolutely.

19 Q. Why?

20 A. Because if you infringe on the
21 floodplain, you have the possibility of raising the
22 flood elevation, the water elevation and causing
23 problems. And you simply, you stay away from that
24 kind of a situation.

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1 So therefore, if it is -- in
2 comparison to a 1-foot or 6-foot height of the tank,
3 it is a lot -- you are a lot better off not fooling
4 around putting something in the floodplain area.

5 Q. How much room do you have between
6 what you have proposed now to the point where you
7 would be encroaching on the floodplain area? Is
8 there any room to go?

9 A. It is about four feet according to
10 the plan.

11 Q. If you went that four feet out, you
12 went as far as you would go the extra four feet up to
13 the height that's permitted by the zoning code, do
14 you know where that would leave the tank, like what
15 size tank?

16 A. I'm not sure. I really don't
17 recall.

18 Q. Let's talk a little bit about the
19 tank and you talk about cleaning it. Now, as I
20 understand it --again, I'm not an engineer so if I'm
21 saying something wrong let me know -- but it sounds
22 to me that the tank is going to be utilized maybe 2
23 to 3 times a year. Is that right?

24 A. Yes, yes.

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1 Q. At that time the tank would fill up
2 with diluted sewerage?
3 A. Yes.
4 Q. And the diluted sewerage, as you
5 would go to clean the tank, you would walk on top of
6 the tank and there would be four hatches. Would they
7 be opened? Is that what you said?
8 A. The design will include I think it
9 is four hatches on the roof. There is a hatch that
10 could be installed on the side of the tank itself at
11 ground level. I'm not so sure we are going to do
12 that. But we will drain, we will manually drain in a
13 manhole, have a valve on a line coming out of the
14 tank that we will open manually and allow it to run
15 out. And as it runs out, we will be on top of the
16 tank at the these openings and walk around the top of
17 the tank with our jet truck hose to clean the inside.
18 And after it is all totally clean,
19 we could actually go down into the tank with the hose
20 if we had to to pick up any additional stuff that
21 might be hanging up like tissue and so forth.
22 Q. Let me break that down a little bit.
23 It comes out of a valve at the bottom; is that
24 correct?

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1 A. Correct.
2 Q. That would go into a contained hose?
3 A. No. It is going to be into a sewer
4 line, a drain line that will then tie into the
5 interceptor sewer, which is next to the area.
6 Q. That drain line, would that be fully
7 contained so there would be no smell coming out of
8 that drain line?
9 A. Yes, that will be below grade.
10 Q. We shouldn't expect any smells
11 coming out from that, correct?
12 A. Correct.
13 Q. At the top, it would seem to me when
14 you are opening those four hatches, that there is
15 going to be a problem with some odor coming out of
16 there?
17 A. There may be, okay. Where you are
18 really going to get it, though, is when you are
19 filling the tank because you are pushing the air out.
20 Once we open it up on top you are going to have
21 atmospheric pressure down. And as we drain it, it is
22 going to be pulling air in. So I don't expect to
23 have any odors.
24 Q. When you are squirting the jet power

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1 hoses in there or jet hoses in there, what's to stop
2 that? Again, I am talking to you like a layperson.
3 I can picture myself trying to clean out a tank and
4 shooting a hose in with four other openings and it
5 would seem to me something is going to smell or
6 something is going to come out of the top of that.
7 A. I don't think so, but that's
8 certainly a possibility.
9 Q. Is there a mechanism in place to
10 prevent that? If I lived close to that place and I
11 am looking down when the people are cleaning it, am I
12 going to say: I'm not coming home for a couple of
13 days?
14 A. I don't think you will find that.
15 Q. Why not?
16 A. Because we are not going to allow it
17 to go septic. When it goes septic, that's when you
18 get your odors and raw sewerage has to sit for a
19 while before it goes septic. If you have hot weather
20 flows, you can get odors emanating out of any manhole
21 in the street. But with diluted sewerage, you are
22 not going to have the same situation.
23 Q. How long does it take before a tank
24 this size would go septic? Assume you have a

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1 500,000 gallons in there.
2 A. Probably a couple of days.
3 Q. What kind of mechanism would be put
4 in place to make sure that it is drained and cleaned
5 before it goes septic?
6 A. It is going to be in our policy.
7 The RHM will have a policy written as to how we
8 handle this situation just like we do with other
9 things that we do. Any of the services that we
10 provide the townships, we have a written policy and
11 that's going to be implemented. It is called
12 operation and maintenance manual in a sense.
13 Q. Talk to me a little bit about the
14 safety of the tank itself in terms of, you know, this
15 will be located in a ball field, is that right, or
16 close to a ball field?
17 A. Yes.
18 Q. You know, kids being kids, they are
19 going to try and get into ladders and tanks and other
20 things.
21 A. Right.
22 Q. What kind of safety measure will be
23 implemented to make sure there are no problems with
24 kids?

1 A. Well, we have considered the
2 possibility of putting a fence around it. We are
3 also talking about putting the barriers with the
4 trees. What the fence will do is give the kids an
5 opportunity to climb the fence. Somehow bridge the
6 distance from the fence to the tank and get on top.
7 Kids can do anything.

8 So we have considered putting a
9 fence in, but we look to the township to say, yes,
10 put the fence in and then we will do it. If you feel
11 that otherwise not to do it, then we won't put the
12 fence up. It is going to be very difficult for a kid
13 to climb a flat concrete wall 12 feet in the air.
14 However, if the trees are there and they are too
15 close to the tank they could still get up there with
16 the buffer that we have.

17 So you say to yourself what's the
18 best situation and right now we are considering the
19 fence, making sure that the trees are back say eight
20 feet from the perimeter of the wall so that the kids
21 can't really get there. But I have been around long
22 enough to know that if the kids really want to do
23 something, they are going to find a way.

24 MS. LABRUM: Did Dutchland get a

1 special ladder for you?

2 THE WITNESS: As far as the ladder,
3 I think I mentioned earlier, as far as the ladder for
4 us to get on top of the tank, that's going to be
5 constructed a child-proof ladder. It is going to be
6 enclosed with material. And Mr. Brown, who is with
7 Dutchland, he is here. He can explain further what
8 they can do, but it is going to be considered child-
9 proof.

10 BY MR. BYRNE:

11 Q. How about you said there is going to
12 be a charcoal filter. Can you go over that a little
13 more. What are you talking about there and what kind
14 of maintenance is involved with the charcoal filter?

15 A. Charcoal filter is a device that
16 will be on top of the vents that protrude out of the
17 top. The air will go through the charcoal filter and
18 essentially cleans it of odors and so forth.

19 That's going to require some
20 maintenance and replacement of the charcoal filters
21 and so forth, and that will be part of this operation
22 and maintenance manual.

23 Q. How often do those filters need to
24 be changed? Do you have any idea?

1 A. I don't have that right now, no.
2 But I can imagine it will be at least a couple of
3 times a year.

4 Q. In terms of the project itself and
5 changing the filters, are there any smells or noise
6 or things that go along with the process of having to
7 change those filters?

8 A. No. It would be whatever it takes
9 to remove it and replace it. We would have a
10 replacement right there. And if it took more than an
11 hour, I would be surprised.

12 Again, if this only happens a couple
13 of times a year, if that, that's the only opportunity
14 that you would have air going through that filter and
15 it may not need to be replaced once or twice a year.

16 Q. You talked about exercising the
17 generator?

18 A. Yes.

19 Q. What is entailed in that? Will
20 there be noise generated?

21 A. Once we determine what kind of
22 generator that will give us a better idea what kind
23 of noise. There will be some noise. It won't be any
24 more than a truck going by somebody's house except

1 that it is going to be there for perhaps a half hour.
2 We will exercise it, meaning start the generator up
3 to make sure that it works properly and this would be
4 done on the basis of what the manufacturer suggests
5 their recommended procedure.

6 Q. You mentioned the difference between
7 the tank that you are proposing and the one in Upper
8 Uwchlan, and I think you said that here would be a
9 diluted sewerage tank?

10 A. Correct.

11 Q. Upper Uwchlan it was a treated
12 wastewater, is that correct?

13 A. Yes.

14 Q. First of all, where is this location
15 in Upper Uwchlan? Are you able to tell us where in
16 Upper Uwchlan?

17 A. Well, it is about three miles, I
18 think it is like three miles outside of Eagle on
19 Route 100. And you go down approximately three
20 miles and take a right and I forget the name of the
21 road.

22 Q. If you could get that for us?

23 A. Yes. In fact I had sent that to
24 Lori last year, the directions to the site.

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1 Q. If they were misplaced we can get
2 them back.

3 A. Sure. I will be glad to accompany
4 anyone that wants to go up there.

5 Q. Are there any examples of diluted
6 sewerage tank anywhere in your area?

7 A. No.

8 Q. Do you know why not?

9 A. It is really not part of the
10 regulations with the D.E.P. right now. They have
11 conditions as to why they would allow something like
12 this. There is a force main, a big force main,
13 pressure pipe up in I think it is in Bucks County
14 that they are now installing a tank that will divert
15 flow from that force main into the tank and it is
16 essentially doing the same thing. It is taking
17 excess flows. Other tanks like this that we are
18 talking about, I am unaware if there is any around.
19 Mike may be able to tell you that,
20 Mike Brown, but as far as the D.E.P. is concerned, I
21 haven't gotten any indication as to where there are
22 others other than the one with the pressure pipe.

23 MR. BYRNE: Thank you.

24 MR. KANE: Mr. Williams, the

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1 charcoal filter, where would that be located on the
2 tank?

3 THE WITNESS: On the vent on top of
4 the tank.

5 MR. KANE: Is that constantly open
6 or is there like a pressure valve that it would only
7 be open when the tank was being filled?

8 THE WITNESS: It is constantly
9 opened. If you don't have a vent or a charcoal
10 filter on it, it would simply be a vent coming out
11 with a bird screen on it to prevent birds and bees
12 and so forth from getting in the tank.

13 But this would be a filter that
14 would be open in the sense that when you start to
15 fill the tank, you don't have to go up and turn a
16 valve or anything.

17 MR. KANE: Do they make like a
18 pressure relief valve that opens only when there is
19 air pressure accumulating in the tank that would open
20 and then be filtered; and when that wasn't occurring,
21 it would close, just in case after a series of uses
22 there was an accumulation that couldn't be cleaned
23 thoroughly off the tank and therefore possibly have
24 some odor just become part of the tank itself?

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1 THE WITNESS: I am sure that's a
2 possibility, yes. Now, whether there is one exactly
3 for this particular installation, I don't know. But
4 I can imagine that there could be, yes.

5 MR. KANE: Would you -- obviously,
6 we are not going to get done tonight, would you mind
7 looking into that.

8 MS. LABRUM: I think Mr. Brown will
9 be able to address that.

10 THE WITNESS: I'm not sure whether
11 he will be able to because it is a different
12 manufacturer than Dutchland, but I can certainly get
13 that information.

14 MR. KANE: Would you? Thank you.
15 Do you know of any other type of filters? Is coal
16 filter generally what's used?

17 THE WITNESS: Charcoal filter?

18 MR. KANE: Yes.

19 THE WITNESS: Yes.

20 MR. KANE: Are there any other type
21 of filters?

22 THE WITNESS: You can actually, you
23 can actually take that vent, put a pipe on it, run it
24 into the ground, into a big stone pit to force that

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1 air into the pit and then essentially into the
2 ground. And there may be other mechanical pieces
3 that you can get other than a charcoal filter. This
4 is the one that we would essentially specify.

5 MR. KANE: Ken?

6 MR. RICHARDSON: My first question
7 is you spoke about you can't lower the tank because
8 then you would have to pump out of it? Is that
9 correct?

10 THE WITNESS: Yes.

11 MR. RICHARDSON: Currently you are
12 pumping into it, correct?

13 THE WITNESS: Correct.

14 MR. RICHARDSON: Can't you just
15 reverse the pumps and pump out?

16 THE WITNESS: We could pump out of
17 the tank if we lowered it. Right now we are pumping
18 into it. We can't flow -- if we can put the tank
19 below grade, all the way below grade, if you are
20 talking about a tank --

21 MR. RICHARDSON: No, no, just six
22 feet or whatever you need.

23 THE WITNESS: You would then have
24 to pump out, in order to clean it, it would be a lot

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1 harder to clean after you are finished with it. We
2 feel the best thing to do is to put it where we have
3 it above, above the interceptor sewer that we can
4 drain by gravity out of the tank into that. And
5 that's the main purpose.
6 It would cost more to lower the
7 tank. It would then possibly have an effect on the
8 interceptor sewers that are there right now because
9 of the proximity with the tank and the piping and the
10 soil between that. If you dig beside it you always
11 have the possibility of what I call sluffing off or
12 sliding into the excavation and then having a
13 situation with the tank or with the pipe that could
14 possibly come apart. We want to stay away from that.
15 So our best situation is to put the
16 tank at an elevation in the ground but high enough
17 where it will drain back into the interceptor sewer
18 without having to pump.
19 MR. RICHARDSON: When you say it
20 would cost more, 100,000 more? 500,000 more?
21 THE WITNESS: Easily, easily.
22 MR. RICHARDSON: Easily a hundred
23 or easily 500?
24 THE WITNESS: Probably in the realm

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1 of \$300,000.
2 MR. RICHARDSON: Is there other
3 types of tanks -- when I was a Boy Scout, we had this
4 water cup and you opened it up like this and filled
5 it with water and it never leaked and you squished it
6 back down when you were done with it. At the
7 refinery I see those tanks, they are like this and
8 next day you drive by, they are that big.
9 THE WITNESS: Well, I haven't
10 personally seen those, but I guess you're right if
11 you have seen them.
12 MR. RICHARDSON: It might be
13 natural. I don't know what's in there.
14 MR. MAGARGEE: Natural gas.
15 MR. CASULLI: Oil tanks are
16 telescoping.
17 THE WITNESS: Okay, right. I
18 wasn't sure.
19 MR. RICHARDSON: You make the
20 roller roof for two days or one day or one episode
21 and if you need to expand, you can expand.
22 THE WITNESS: I'm not so sure it
23 would work with water. It might work with gas
24 because of a gas seal or something.

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1 MR. RICHARDSON: Maybe you can find
2 out.
3 THE WITNESS: We could ask Mike.
4 MR. RICHARDSON: We are waiting for
5 Mike. When you clean it, how much water do you
6 anticipate it takes to clean this thing after an
7 episode?
8 THE WITNESS: We have a tank truck
9 that I believe is, what, 1500 gallons. It may take
10 two or three truckloads.
11 MR. RICHARDSON: What's that, just
12 regular water?
13 THE WITNESS: Creek water.
14 MR. RICHARDSON: You don't suck any
15 fish in there, do you?
16 THE WITNESS: I hope not.
17 MR. REARDON: There is a strain on
18 it.
19 MR. RICHARDSON: There may be still
20 existing or partially still existing tanks at Merry
21 Place. We have got to buy a tank or build a tank or
22 tank up somehow, so why can't we just dig a hole and
23 put the tank up where they were?
24 THE WITNESS: Where they were?

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1 MR. RICHARDSON: Yes.
2 THE WITNESS: Because right now we
3 essentially wanted to use or put a tank on the
4 driveway coming into Merry Place. It wasn't where
5 the treatment plant was, but it is right there. But
6 we had residents that complained about that. They
7 don't want to see that tank from across the street.
8 MR. RICHARDSON: But these were
9 underground.
10 THE WITNESS: Those tanks were.
11 MR. REARDON: They were only
12 12 feet total.
13 MR. RICHARDSON: You told me there
14 was a million gallon tank underneath. Why don't you
15 do it again?
16 MR. REARDON: Where the tennis
17 courts are now, that's about four feet out of the
18 ground still and you have 10 to 12 feet below ground.
19 THE WITNESS: Are you asking me?
20 MR. REARDON: No.
21 THE WITNESS: Can we put the tank
22 in that vicinity?
23 MR. RICHARDSON: Underground and
24 put the tennis court on top of it.

1 THE WITNESS: No.
 2 MR. RICHARDSON: Why not?
 3 THE WITNESS: We still want to
 4 drain by gravity out of the tank into the interceptor
 5 that goes by that location.
 6 MR. RICHARDSON: I understand what
 7 you want to do, but, you know, you have to be able to
 8 move around here a little bit. You just can't say
 9 you are going to stick this thing here and that's it.
 10 If your object is to alleviate the situation and then
 11 there has to be a little give and take.
 12 Like your three number, reasonable
 13 degree of engineering certainty, I don't know that
 14 there is such a thing, but if there was, seems to me
 15 that reasonable could be 2.9 or it could be 3.1 or it
 16 could be 2.8 and I think that's what we need to look
 17 at, a reasonable degree of meeting everybody's
 18 concerns and needs.
 19 THE WITNESS: Well, as far as
 20 putting the tank at the location of the old treatment
 21 plant, it would still be very visible to the people
 22 that live across the street. And we have already
 23 heard from the township and also the folks that live
 24 there, they don't want to see the tank. They don't

1 want to look at the tank. What we have tried to do
 2 is put it in a place that has the least visible
 3 problems with the residents and with kids because it
 4 is going to be behind trees looking at it from
 5 Glendale Road. It is going to be behind it from
 6 trees that are looking from the ballpark because of
 7 the ones we are going to plant. And when you are
 8 walking along the creek, it will be visible there,
 9 but we could also pit trees there.
 10 But I think the people that walk
 11 that creek are not going to really be concerned about
 12 a tank there. But we felt that that was the best
 13 location to try to satisfy everybody.
 14 MR. RICHARDSON: Would 1.3 million
 15 gallon tank be reasonable?
 16 THE WITNESS: Not in our opinion,
 17 no. We want to stick with the 1.5.
 18 MR. RICHARDSON: Would a
 19 telescoping tank be reasonable?
 20 THE WITNESS: I don't know much
 21 about telescoping tanks, whether that would be a
 22 consideration here.
 23 MR. RICHARDSON: That's all I have.
 24 MR. KANE: Evelyn?

1 MS. YANCOSKIE: Mr. Williams, I
 2 think you sort of just about half a minute ago
 3 addressed one of the questions that I was going to
 4 ask. You spoke, when Mr. Byrne was asking the
 5 question, you talked about a three-safety factor.
 6 THE WITNESS: Right.
 7 MS. YANCOSKIE: Is a two-safety
 8 factor totally unacceptable in engineering practices?
 9 THE WITNESS: No, no, but I think
 10 in this case, we don't know exactly what kind of
 11 flows that we are going to get that are going to be
 12 overflowing from that particular manhole or the
 13 interceptor at that location.
 14 If it were a million gallons that
 15 overflowed, we can handle it. If it is a million and
 16 a half we can handle it. Anything over that, no.
 17 But we want to be in a position to
 18 handle what we think is reasonable that's going to
 19 come out of that pipe, and that's the reason we chose
 20 the three.
 21 MS. YANCOSKIE: The highest amount
 22 of overflow that you have experienced to date is
 23 500,000, right?
 24 THE WITNESS: Yes.

1 MS. YANCOSKIE: How long has that
 2 data been collected?
 3 THE WITNESS: Three or four years
 4 that I am aware of.
 5 MS. YANCOSKIE: Does that take us
 6 back to the hurricane that flooded the whole area
 7 down there?
 8 THE WITNESS: No, no, it doesn't.
 9 The hurricane was in '99.
 10 MS. YANCOSKIE: Is that when it
 11 was? Time passes so quickly, I don't know.
 12 If you were to reduce the size of
 13 the tank -- I understand you only have four feet
 14 clearance into the floodplain, looking at Exhibit 4.
 15 I'm assuming that, looking at it on the right-hand
 16 side there is a slope that would prohibit you from
 17 moving it to the right?
 18 THE WITNESS: I'm not sure of the
 19 question again.
 20 MS. YANCOSKIE: What I was talking
 21 about is redesigning it to have it fatter and lower,
 22 but I understand you can't move it one way because of
 23 the floodway. And I am looking at Exhibit 4 and on
 24 the other side, I am assuming you can't move it

<p style="text-align: right;">Page 117</p> <p>1 because there is a sloping factor. 2 THE WITNESS: In other words, if we 3 move it to the east? 4 MS. YANCOSKIE: Yes. 5 THE WITNESS: Where the regrading 6 is? 7 MS. YANCOSKIE: Yes. 8 THE WITNESS: We looked at that 9 also, but the floodplain follows the ballpark in that 10 area, which means that we can't really move it in 11 that direction. We can't move it in a westerly 12 direction because of the floodplain, the line that we 13 have shown. 14 MS. YANCOSKIE: If this Board in 15 its infinite wisdom would determine that we are not 16 in agreement with a 1.5 million gallon tank and you 17 were told that ask for specifics on a one million 18 gallon tank, would that exceed and would you need a 19 variance to build that tank? 20 THE WITNESS: I don't think so. 21 MR. CASULLI: No, Evelyn. I did 22 the math. 23 MS. YANCOSKIE: I have no further 24 questions at this time, Mr. Chairman.</p>	<p style="text-align: right;">Page 119</p> <p>1 the additional excavation costs. 2 MR. CASULLI: To lower it down? 3 THE WITNESS: Yes. 4 MR. RICHARDSON: The additional 5 cost. 6 THE WITNESS: To go down. I have 7 done enough to know what it is going to cost me right 8 now for estimating purposes. 9 MR. CASULLI: Right. 10 THE WITNESS: And submitting an 11 application to the state for a grant, I had to come 12 up with numbers for that. 13 MR. CASULLI: So you think about 14 300,000. 15 THE WITNESS: As far as the 16 horsepower of the pumps, I don't know that right now. 17 I have the -- I have some information in the office. 18 We haven't made the final decision on that. 19 MR. CASULLI: To his question, you 20 said about \$300,000 additional? 21 THE WITNESS: For additional 22 excavation costs. 23 MR. CASULLI: How about rough to 24 put that additional feature to pump it out?</p>
<p style="text-align: right;">Page 118</p> <p>1 MR. KANE: Ed Casulli? 2 MR. CASULLI: Only question, if 3 your engineering judgment was not conservative enough 4 meaning you had some great flood that brought in two 5 million gallons and the tank overflowed, where would 6 it overflow to? 7 THE WITNESS: It will not overflow. 8 We are not going to pump any flow. Once we get to 9 the level that we want to hit in that tank, we are 10 going to turn the pumps off if it continues. So it 11 is not going to overflow out of the tank. 12 MR. CASULLI: How big are the 13 pumps, capacity and horsepower? 14 THE WITNESS: I haven't finalized 15 that yet because I didn't want to proceed with total 16 engineering until we got essentially approval to 17 proceed. 18 MR. CASULLI: How do you know that 19 putting reverse pumps in would cost \$300,000? 20 THE WITNESS: I am sorry. 21 MR. CASULLI: If you didn't do any 22 of that engineering, Ken's question about putting 23 reverse pumps in to pump it out and put -- 24 THE WITNESS: No, he asked me about</p>	<p style="text-align: right;">Page 120</p> <p>1 THE WITNESS: For additional 2 pumping system? Of that \$300,000, it is probably 3 \$80,000. 4 MR. CASULLI: So your estimate is 5 two to three million total, but this additional cost 6 is \$300,000, so approximately a 10 percent increase 7 over what you are already proposing? 8 THE WITNESS: I would say it is in 9 that range, yes. 10 MR. CASULLI: No other questions. 11 MR. KANE: Go ahead. 12 MS. YANCOSKIE: Can I ask another 13 one? 14 MR. KANE: Absolutely. 15 MS. YANCOSKIE: You said it takes 16 48 hours for a septic situation to develop? 17 THE WITNESS: Depends on the heat. 18 You know, that's a possibility. 19 MS. YANCOSKIE: Bear with me for a 20 moment then. You are talking about something that 21 hasn't happened yet when you talk about 1.5 million 22 gallons. I want to talk about this five-day storm. 23 It is just going to rain and rain. Noah is going to 24 have to build the ark and the whole thing. What</p>

<p style="text-align: right;">Page 121</p> <p>1 happens to the contents of that tank if you can't 2 release the contents because of this rain and all the 3 problems? Will it go septic in there? 4 THE WITNESS: Possibility exists, 5 but it depends on the temperature, the outside 6 temperature. If it is cold weather, for instance, we 7 have had these excess flows during late winter and 8 spring where the temperatures are not that bad. You 9 can still have sewerage that goes septic, but in 10 comparison to in the summertime, it would go septic a 11 lot faster because of the temperature. 12 So I don't foresee, I don't foresee 13 that happening. The only time we are going to pump 14 in that tank is when we have an overflow. We could 15 have rain for five days, we have had that recently 16 where we have had pretty much rain and we haven't had 17 an overflow. 18 MS. YANCOSKIE: I am talking about 19 a situation that causing the overflow and just 20 maintains it for that long. 21 THE WITNESS: Right. 22 MS. YANCOSKIE: Is there any kind, 23 in the event that that unlikely thing would happen, 24 is there any type of treatment that you can add</p>	<p style="text-align: right;">Page 123</p> <p>1 bugs in it, and if the sewerage is not aerated 2 properly or doesn't have aeration put into that 3 sewerage, it will turn septic, meaning that it is 4 going bad. There's no bugs in it to eat the organic 5 matter. It gives off an odor and that's what the 6 odor is. What that happens to be is methane gas. 7 And the gases will then stink like rotten eggs. 8 If you can keep that sewerage fresh 9 or moving it, keep it moving, it won't go septic. 10 You can have water out in a field where you have 11 running water. If you dam that water up and it is 12 essentially spring water, if it sits there a long 13 time, it will go septic and it won't have enough 14 oxygen in it to keep it fresh and the bugs will die. 15 Any of the organisms or animals that are in that 16 water could die because it is stagnant water. Ed can 17 attest to that fact about moving the water and 18 keeping it moving. 19 MR. KANE: I believe you. I just 20 wasn't sure exactly what it meant when something went 21 septic. I assume it means it smells worse. 22 THE WITNESS: Is goes bad. 23 MR. KANE: We are going to talk 24 more about the filter and you mentioned one</p>
<p style="text-align: right;">Page 122</p> <p>1 through these vents or patches in the top to stop 2 that sewerage from turning septic? 3 THE WITNESS: It won't stop it from 4 turning septic but it should reduce, the carbon 5 filters would reduce the odor that would come out of 6 those carbon filters if, in fact, you had sewerage or 7 had air coming out of those carbon filters. 8 If you are not filling the tank, you 9 are not going to get air coming out. If you are 10 filling, if it happens when you are filling the tank, 11 it is not going to be septic. So if it is sitting 12 there for two days or three days or four days and we 13 are not pushing any more water into it, you are not 14 going to get anything coming out of that tank. 15 MS. YANCOSKIE: Okay, no more 16 questions. 17 MR. KANE: Is there a technical 18 definition of what it means when it turns septic? I 19 am no expert and you keep talking about turning 20 septic in 48 hours. 21 THE WITNESS: Yeah. 22 MR. KANE: Scientifically, what 23 does that mean? 24 THE WITNESS: The water, it's got</p>	<p style="text-align: right;">Page 124</p> <p>1 possibility, and that's something that concerns me. 2 I understand your explanation that air is forced out 3 when additional water, we will call it, is pumped 4 into a tank obviously and has to force air out. But 5 when it is sitting there stagnant, I can't imagine 6 that odors wouldn't flow through that filter. I mean 7 there is nothing -- if it stinks in the tank when it 8 goes septic, but they wouldn't flow out, it may not 9 be forced air and therefore large amounts. 10 THE WITNESS: If you were to stand 11 on top of the tank and right next to it, you may get 12 a whiff of it, but you are not going to be in the 13 ball field and smell it. It is sitting in there. 14 MR. KANE: But there are some 15 possibilities, maybe put in a pipe like you said down 16 into the ground or something to alleviate that. 17 THE WITNESS: I would rather put a 18 filter on it, period. I mean there's other 19 mechanisms, sure. 20 MR. KANE: You are going to look 21 into some of those and we will talk more. 22 THE WITNESS: Yes, I can do that. 23 MR. KANE: Ed Casulli, do you have 24 any other questions?</p>

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1 MR. CASULLI: You said methane gas
2 is produced when? If it goes septic?
3 THE WITNESS: Yes.
4 MR. CASULLI: What do you guys do
5 to prevent explosion hazards?
6 THE WITNESS: We don't have that
7 problem except that you can have methane gas in your
8 collection system in Haverford Township. If it goes
9 septic in the sewer system, it creates a methane gas,
10 and that's something that will kill somebody if they
11 go down a manhole. And we have had that on occasion.
12 It can blow the lid of a manhole because of something
13 that would ignite that gas.
14 You do that by maintenance,
15 operation and maintenance of your sewer systems, and
16 also a tank like this facility by making sure that
17 you do your job. That's what we would have an
18 operation and maintenance manual about, to make sure
19 that we take care of those situations and not let it
20 go septic.
21 MR. CASULLI: Right, but in
22 Evelyn's case where you weren't able to do that for
23 the five days and goes septic, it produces methane
24 gas and now you know the empty volume of air is now a

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1 methane gas, pushed all the smelly stuff out and it
2 is methane. What do you do to prevent an explosion
3 with a kid's ball field next door?
4 THE WITNESS: What I am saying is
5 in this case if it is raining for five days or
6 10 days or whatever, if there is not an overflow, we
7 are not going to be pumping to the tank anyway. If
8 it does overflow and we pump to the tank, we are
9 going to pump, if it takes a million and a half
10 gallons because of the overflow, in other words, if
11 you get a flow of a million and a half, it is going
12 to get pumped to the tank. Once we reach that, we
13 are going to turn the pumps off.
14 The sewerage, the diluted sewerage
15 that's in the tank itself, it depends on the flows.
16 The possibility exists also that as the flows start
17 to reduce in volume, we can start bleeding that water
18 out of that tank even though it is still raining for
19 five days.
20 MR. CASULLI: Is there a case that
21 you can't? Is there any precautions that you take
22 for methane gas? You know use brass tools that don't
23 spark or ventilate the tank?
24 THE WITNESS: We will have, we will

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1 have information in our operation and maintenance
2 manual in the event if we have a situation where some
3 kind of a gas would develop, to tell them what to do.
4 Otherwise, I don't foresee that happening anyway.
5 MR. CASULLI: I have no further
6 questions.
7 MR. KANE: Ed Magargee?
8 MR. MAGARGEE: We talked about, a
9 little bit about the safety factor and what I'm
10 concerned about, I think the most likely event where
11 you would need that type of safety factor is when we
12 had a big hurricane or flood and then you are not
13 going to be able to pump into the tank anyway because
14 your pumps are going to be underwater.
15 THE WITNESS: Correct.
16 MR. MAGARGEE: You are not going to
17 be able to use that safety factor.
18 THE WITNESS: No, the safety factor
19 I was speaking about, Ed, is if we have
20 500,000 gallons that's on the ground, coming out of
21 the ground, that's the flow we want to pick up,
22 divert before it gets out on the ground and then pump
23 into the tank. We haven't experienced anything more
24 than that, and we don't anticipate it being more, but

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1 we feel that we have to allow a certain safety
2 factor, what I call a safety factor of that amount
3 three times.
4 MR. MAGARGEE: But there is no
5 safety factor you can put to make sure that you can
6 continue to pump in the event that your manhole is
7 underground at Merry Place -- underwater, I'm sorry.
8 THE WITNESS: If it is underwater,
9 you know, that safety factor goes out the window.
10 MR. MAGARGEE: That's most likely
11 going to be the event.
12 THE WITNESS: That could happen,
13 yeah.
14 MR. MAGARGEE: Why -- the other
15 thing I have, there's a lot of trees that are going
16 to be taken down to get from there to here because
17 you have new soil. You are taking down all the trees
18 along this new forced main.
19 THE WITNESS: No. I am sorry. I
20 will wait until you finish.
21 MR. MAGARGEE: You don't think you
22 need to take any trees down?
23 THE WITNESS: No. Our right-of-way
24 is clear. Where we have the parallel interceptors

1 and where we want to put the force main, we can put
2 it where it is clear.

3 If it goes to an area where it has
4 vegetation, we will take the vegetation out. There
5 is not a whole lot of trees where that easement is.

6 MR. MAGARGEE: Okay, there is a lot
7 of vegetation, a lot of trees where the basin is. I
8 didn't know that was a storm water basin. That was
9 news to me.

10 THE WITNESS: Right.

11 MR. MAGARGEE: But there's trees
12 there. The tank, there's trees there.

13 THE WITNESS: Correct.

14 MR. MAGARGEE: And I am looking to
15 the north side of the tank. Is that area going to be
16 flattened off to fill that gully then?

17 THE WITNESS: Are you talking about
18 the where?

19 MR. MAGARGEE: From the end
20 wall.

21 THE WITNESS: Where the end wall
22 is?

23 MR. MAGARGEE: Yes.

24 THE WITNESS: We are installing a

1 manhole at that location and eliminating that end
2 wall and picking up that flow and carrying it around
3 the tank.

4 MR. MAGARGEE: I am looking at the
5 170 contour. It looks like you are bringing that all
6 the way over to below the tank so that area would all
7 be flattened out.

8 THE WITNESS: Correct.

9 MR. MAGARGEE: So you are going to
10 take all the trees out of there too.

11 THE WITNESS: Yes.

12 MR. MAGARGEE: And you are going to
13 plant something.

14 THE WITNESS: Yeah, we are going to
15 plant trees.

16 MR. MAGARGEE: The other thing I
17 have an issue with is the floodplain. Technically,
18 if you fill in a floodplain, you are not really going
19 to increase the flood. It is not the floodway you
20 are filling in. Then you are still -- did D.E.P.
21 look at this in regard to permitting they will need
22 to do?

23 THE WITNESS: They will.

24 MR. MAGARGEE: That's an on-stream

1 basin, which we don't usually approve those. There
2 is a stream that runs through that basin.

3 THE WITNESS: Along Glendale Road
4 it comes, there is a stream that comes down Glendale
5 Road, ends up at that location where that outlet
6 structure is. Do you see that?

7 MR. MAGARGEE: I didn't know what
8 that looks like.

9 THE WITNESS: It is just a flume.
10 I'm not sure what it is but it is a flume. And what
11 Dave Pennoni was worried about was the capacity of
12 that entire basin if we are filling where the tank is
13 and around the tank and so forth. We have
14 compensated and replaced that by doing the regrading
15 on that embankment, and he was satisfied with our
16 calculations on that.

17 MR. MAGARGEE: But you are also
18 going to be grading in that stream channel, so that's
19 going to take some extra work to see how you are
20 going to stabilize that.

21 THE WITNESS: I guess I disagree.

22 MR. MAGARGEE: Along Glendale Road
23 the stream runs into the basin.

24 THE WITNESS: The regrading kind of

1 wraps around in that direction, yes.

2 MR. MAGARGEE: There is definitely
3 a contour that shows there is an eroded channel down
4 through there now. You are going to have to restore
5 that.

6 And then I guess does that mean all
7 the trees in that entire basin will have to be
8 cleaned out as well?

9 THE WITNESS: I anticipate only
10 taking the trees out where we have to do the
11 regrading. That basin was looked at by Dave and he
12 hasn't mentioned anything about doing additional work
13 in there.

14 MR. MAGARGEE: The other thing you
15 talked about, the truck that's going to be there
16 twice a year back and forth, how do you get back and
17 forth with that truck?

18 THE WITNESS: We have an easement
19 that comes off of Merry Place driveway that follows
20 our parallel interceptors. And that truck, we go up
21 there just about every day for inspection purposes
22 and so forth of the manholes. So that truck will go
23 up that line or up that easement.

24 MR. MAGARGEE: What's that road

1 surface now?

2 THE WITNESS: It is a mixture of
3 stone and rocks and grass and everything. We
4 maintain that. A lot of that road was built when we
5 put the parallel interceptor in there.

6 MR. MAGARGEE: I am assuming that
7 that road, is it where that, on your exhibit -- I
8 don't know which number it is -- would it be where it
9 goes across those two culverts?

10 THE WITNESS: Yes.

11 MR. MAGARGEE: You are going to
12 have to build another road from there up to the tank
13 then?

14 THE WITNESS: No. The road
15 continues on up there. Oh, you mean from the road,
16 from the easement up to the tank?

17 MR. MAGARGEE: Yes.

18 THE WITNESS: For construction
19 purposes we have to get in there to build the tank
20 and compact the ground in order for us to gain access
21 to that, yes.

22 MR. MAGARGEE: I would imagine you
23 would have to build some type of road because those
24 are floodplain soils in there and I imagine they

1 would be wet. In order to be able to get access in
2 there in a timely fashion, I would think you would
3 need to have a road put up through that all the way
4 up to the tank so you can get up to that. Okay,
5 that's all I have.

6 MR. KANE: Any other questions, Jim
7 Byrne?

8 MR. BYRNE: No thanks.

9 MR. KANE: Kathy?

10 MS. LABRUM: No.

11 MR. KANE: Ken?

12 MR. RICHARDSON: No.

13 MR. KANE: Evelyn?

14 MS. YANCOSKIE: No.

15 MR. KANE: Ed Casulli?

16 MR. CASULLI: No.

17 MR. KANE: It is getting a little
18 late. I don't know, I see some residents here, and I
19 will gladly let you continue, but what I am thinking,
20 Kathy, is perhaps we should allow one or two of the
21 residents to address the Board. They may raise some
22 questions that can be cleared up for or at the next
23 hearing to the extent they are questions. To the
24 extent they are comments generally we would hold them

1 until the end, the conclusion of the hearing.

2 MS. LABRUM: Would you like to see
3 Mr. Brown before? He is going to be pretty short.
4 He is the representative from Dutchland and might be
5 able to answer some of the Board's questions.

6 MR. D'EMILIO: I respectfully ask
7 the neighbors to go before. They have been here for
8 quite some time. So I respectfully ask that they be
9 afforded the opportunity to speak this evening and
10 hold off on the other witness. And maybe the other
11 witness can learn something from what they are going
12 to ask.

13 MR. KANE: Kathy, how long do you
14 think you will be?

15 MS. LABRUM: We will put him on
16 next week if you would rather.

17 MR. KANE: We will see how long the
18 residents take, and if there is time, we will put him
19 on after. At this point, thank you, Mr. Williams.
20 Appreciate all your information.

21 When I asked if there were any
22 residents that wanted to address the Board tonight,
23 three people in the audience raised their hands and I
24 will ask first the one who raised their hand, please

1 come forward.

2 ---

3 STEVEN DiSIPIO,
4 having been first duly sworn, according to law, was
5 examined and testified as follows:

6 ---

7 MR. KANE: Please state your full
8 name and address for the record.

9 THE WITNESS: My name is Steven
10 DiSipio, 412 Walnut Hill Lane, Havertown.

11 MR. KANE: What would you like to
12 tell us?

13 THE WITNESS: Thank you all for
14 sitting through all this. I appreciate you taking
15 the time to hear the residents. We do have some
16 problems with the tank obviously. I have been
17 involved with this process since the first meeting.
18 I got the original notice and was concerned right off
19 the bat because my house I can actually see Genthert
20 field from my house.

21 I am really concerned about the
22 smell coming from the tank. And no matter what they
23 say, there is no way they are going to convince me
24 that the smell, this thing is not going to smell.

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1 The problem I have, the problem with
2 the SSOs is Darby creek. If there, from everything I
3 have learned from Fred, if there is an SSO occurring
4 at Merry Place, it is not an isolated thing. The
5 whole thing, the problem is this big and what we are
6 looking at is this much of it the way I see it.
7 If there is an SSO occurring at
8 Merry Place, it is not just occurring at Merry Place.
9 It is occurring in Darby, it is occurring in
10 Collingdale, Aldan, Upper Darby and Springfield and
11 it is just getting up to Merry Place. We are just
12 seeing the end of it now.
13 Again, I have talked to Fred about
14 this and he confirmed to me, this is an ongoing
15 problem. It's been going on forever and it started
16 down at the bottom of the line and worked its way up
17 the line until now.
18 Actually, from what Fred told me,
19 it's been about ten years that this has been
20 happening at Merry Place. Before that, it started at
21 the bottom line and it's crept its way up the line
22 until it finally gotten to us.
23 Now it is just us and Radnor above
24 us. Basically, what we are doing is we are putting

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1 this Band-Aid here to solve the problem from us up to
2 Radnor. If I lived in Radnor, I would be all for
3 this. Fine, put the tank in Haverford; let them bear
4 the smell and let them bear the burden. It is not
5 fair that the problem goes all the way up to us and
6 now we have to solve it for Radnor.
7 The parallel interceptor from what I
8 have been told, it's been proposed since the 1970's
9 and nobody still has gotten anything accomplished
10 with it. It's needed to be done for years and years
11 and years and nobody has gotten anything done with
12 it.
13 Like Mr. Casulli said, I believe, if
14 you build a tank, what's the incentive to do the
15 parallel interceptor. There is none. It is just
16 going to be another reason why it is not urgent to
17 fix the actual problem.
18 The problem is we need the
19 interceptor built. And putting a sewerage tank next
20 to the Little League field is not going to solve that
21 problem.
22 If people are concerned about
23 sewerage coming out of the manholes and going into
24 Darby creek, yeah, that's a problem but it is not

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1 like you are going to stop that from happening by
2 doing this tank. It is just going to occur down at
3 the next manhole down the line and it is going to go
4 into the creek. It is going into the creek the whole
5 length of the interceptor now from Darby Township up
6 to us.
7 So if somehow Upper Darby would put
8 in a tank, then we wouldn't have the problem. But do
9 you really think Upper Darby is going to put in a
10 tank for us? No. So why should we put a tank in to
11 save Radnor? That's what we are doing here. It is a
12 joint problem and there needs to be a joint solution,
13 which is the parallel interceptor.
14 And I think it is ridiculous to put
15 this tank. It is 15 feet away from the batting
16 cages. We are going to be pitching to our kids with
17 a sewerage tank 15 feet away. You can put some
18 arborvitae in between. It is not going to change the
19 fact the thing is going to be an eyesore and it is
20 going to smell.
21 One other thing that I can't
22 understand is that how the floodplain can be on the
23 creek side of this tank, and yet it is also on the
24 other side of the tank where the ball field is and

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1 where the Iacobucci's property is, but yet the tank
2 is not on the floodplain. So evidently the
3 floodplain wraps around the tank and the tank is
4 actually, the grade at the tank is actually below the
5 floodplain.
6 Last I checked water goes downhill.
7 So I can't see how that could possibly be the case.
8 Maybe I misunderstood, but that's the understanding I
9 got from Fred in the last meeting is that the
10 floodplain actually goes around the sewerage tank.
11 That makes absolutely no sense. It is actually an
12 impossibility. That's about all I have to say.
13 MR. KANE: Kathy, do you have any
14 questions?
15 MS. LABRUM: I don't.
16 MR. KANE: Mr. Byrne?
17 MR. BYRNE: No thank you.
18 MR. KANE: Any questions for Mr.
19 DiSipio?
20 MR. CASULLI: No.
21 MR. RICHARDSON: No.
22 MR. KANE: Thank you.
23 ---
24 RICHARD CARATO,

1 having been first duly sworn, according to law, was
 2 examined and testified as follows:
 3 ---
 4 MR. KANE: Please state your full name
 5 and address for the record.
 6 THE WITNESS: My name is Richard
 7 Carato, C-A-R-A-T-O. I live at 1304 Rose Tree Lane
 8 here in Havertown. I have a whole sheet of
 9 questions, but I am going to ask a couple.
 10 One, I would like to know why it's
 11 been almost two years since our last SSO and I would
 12 like to know what pursuit has been done, if any, of
 13 pursuing the parallel line? Since it is going to
 14 take 15 years to do it, when are we going to start?
 15 Second question was brought up
 16 15 feet from the batting cages where they are
 17 proposing this. And they talked about trees
 18 eight-foot from the tank, another line of trees after
 19 that, a fence. Where is this all going to do if we
 20 only have 15 feet to the batting cage?
 21 Then they talked about building a
 22 road to the tank. Isn't that road in the floodplain?
 23 Do you have to get a variance to build the road then?
 24 Then we talked about -- I think it

1 might be my last question -- we talked about a second
 2 line that we have built from Radnor to Merry Place
 3 and going through a couple of townships there. The
 4 parallel line, couldn't you build another line from
 5 Merry Place to Springfield that would help? Anything
 6 going down below us? Why does it have to go all the
 7 way down through 27 towns. Couldn't the parallel go
 8 through four or five towns and rehook in? They did
 9 it with Radnor to Merry Place. Why can't we do it
 10 further down the line?
 11 They talked about one of the reasons
 12 they didn't want to -- they want to build a tank
 13 here, not further up, one that was pumping up but in
 14 case they have problems with the tank, they have to
 15 get to it. I would like to know what kind of
 16 problems they may be talking about. That's it for
 17 now. Thank you. Any questions?
 18 MS. LABRUM: No, I don't.
 19 MR. KANE: Mr. Byrne?
 20 MR. BYRNE: No, I don't.
 21 MR. KANE: Any members of the
 22 Board?
 23 MS. YANCOSKIE: No.
 24 MR. KANE: Thank you, Mr. Carato.

1 ROBERT FOWLER,
 2 having been first duly sworn, according to law, was
 3 examined and testified as follows:
 4 ---
 5 MR. KANE: Please state your full
 6 name and address for the record.
 7 THE WITNESS: Bob Fowler, 609
 8 Glendale Road in Havertown.
 9 MR. KANE: What would you like to
 10 tell us this evening, Mr. Fowler?
 11 THE WITNESS: I do have a question.
 12 Just have a couple of other statements. I have been
 13 on Glendale for, I hate to think of it, almost
 14 40 years when the old sewer plant was there. It is a
 15 good thing we are not talking sewer treatment plants.
 16 The long-term plan for this, I am
 17 interested in that, what it looks like down the road,
 18 if it is going to be 10 years, 15 years, 20 years,
 19 whatever that may be. I agree I think that has to be
 20 worked on and have something in place that we know
 21 that this is a temporary tank that's going in there.
 22 Short-term, nobody that I know of in
 23 this room is as close as I do to the environmental
 24 issue that's down there. It is not a pleasant thing

1 when it happens. Short-term I think, you know, the
 2 people that live down that way have been patient
 3 enough to see something done.
 4 I don't know what all the answers
 5 are here tonight. There's a lot of good questions
 6 that come up, but all I know short-term-wise
 7 something has to be done to stop this from happening.
 8 The long-term plan, let's keep moving with that, but
 9 the short-term something has to move.
 10 This seems like a great idea. I
 11 know there is a lot of discussion where it would be,
 12 who likes it, who doesn't. I understand all that.
 13 But hindsight is enough is enough and the
 14 environmental issue has to be resolved in the short
 15 term and we can all work on the long term. That's
 16 about all.
 17 MR. KANE: Are you opposed to the
 18 variance or in favor of the variance?
 19 THE WITNESS: Of the height of the
 20 tank?
 21 MR. KANE: Yes.
 22 THE WITNESS: Myself, it is not
 23 going down at Merry Place from what right now the
 24 tank is not going to be there, which I think people

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1 that live in the area, whether you live there, travel
2 there or you are down at Merry Place, you are not
3 going to see the tank at Merry Place, which is a good
4 thing. The variance for it to be up there, if it is
5 going to be hidden, my thing is if this a short-term
6 plan to get this thing resolved, then let's get
7 moving on it.

8 I know there are other residents
9 that don't like the tank, don't like to see it. But
10 my own thing, it is just a personal opinion at this
11 point. If it's, if we are going to see it there,
12 it's going to be there and that's the best way to go,
13 I guess we have to do that.

14 But short-term, I looking for a
15 short-term plan that when this does happen, I don't
16 have the environmental issue out in front of my
17 house. So what are we going to do? If it is put in
18 the tank, if there is no other way to put it except
19 the Merry Place, I guess we have to go with Merry
20 Place. But we have options that helps the neighbors
21 up in Westgate Hills. They might see it. I know
22 there is smell issues. I'm not going to get into all
23 of this, but the placement of this tank has to be in
24 the right place for it to work without disrupting,

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1 you know, in front of your house. I don't think
2 anybody wants that. I don't see a tank presently
3 being put in front of anybody's house with it going
4 up at the Raymond site. So, you know, that's where
5 it is going to go, great.

6 MR. KANE: Kathy?
7 MS. LABRUM: No questions.
8 MR. KANE: Mr. Byrne?
9 MR. BYRNE: No thanks.
10 MR. KANE: Any members of the
11 Board?
12 MR. RICHARDSON: No.
13 MR. KANE: Thank you, Mr. Fowler.
14 THE WITNESS: Thank you.
15 MR. KANE: Mr. D'Emilio, do you
16 want to address the Board tonight or do you want to
17 wait until the end of the hearing?
18 MR. D'EMILIO: I will do it
19 tonight. I may have more questions later.
20 ---
21 STEPHEN D'EMILIO,
22 having been first duly sworn, according to law, was
23 examined and testified as follows:
24 ---

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1 MR. KANE: Please state your name
2 and address for the record.
3 THE WITNESS: Stephen D'Emilio, 200
4 Walnut Hill Lane in Havertown. I am also the 1st
5 Ward Commissioner of Havertown -- I mean of the 1st
6 Ward. Thank you for allowing the residents to speak
7 tonight, Mr. Kane.

8 The first point I want to make is
9 what's troubling for me is I look around this room
10 and I saw three residents and seven members of the
11 RHM Sewer Authority. My concern is that the township
12 has not done an acceptable job of informing the
13 residents in at least my ward and other wards. I
14 mean this is a, it is not a neighborhood issue. This
15 is a community issue.

16 So I think it would behoove the
17 township to inform the residents in every ward as to
18 what is going to take place down there.

19 When we discussed this at the
20 Commissioners meeting, one of the commissioners, in
21 fact, 7th Ward Commissioner Mr. McGarrity who's been
22 here for many years, expressed concern. So, you know
23 and he is in the 7th Ward, which is I don't know how
24 many miles away from where Glendale is, but certainly

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1 knows what had occurred down in that area in the
2 past.
3 There is an environmental issue. I
4 believe that, and I think we would be foolish to
5 ignore that fact. But there are other alternatives,
6 and my concern is are we rushing too fast on this
7 issue?
8 When this issue first came about and
9 I attended a meeting, Fred had told me about money
10 that was put aside. Am I allowed to ask him that?
11 MR. KANE: Please ask us.
12 THE WITNESS: Fred had stated in
13 this room that there was money put aside to place an
14 interceptor there. And I understand that there are
15 other municipalities involved. What I don't see is a
16 map that would show me where the easements, how many
17 easements are we speaking about? Are there five, 10,
18 50, 100, 100,000? How many? How do we know that?
19 How does the RHM Sewer Authority know that?
20 They are very passionate about this.
21 I understand that they are. I would like for them to
22 be as passionate about getting the interceptor in as
23 they are about putting the tank in.
24 The other concern I have is why are

1 we not forcing the D.E.P. or why isn't the D.E.P.
2 forcing these other municipalities to fix the problem
3 correctly? It would seem to me that you would want
4 this -- I don't know if you call it sewerage or you
5 know tainted water -- to go into the proper sewerage
6 treatment area rather than to a tank. It seems it me
7 that the D.E.P. would that.

8 The other concern I heard is that
9 there isn't another tank anywhere -- I think Mr.
10 Byrne may have asked this -- are there any tanks
11 similar to that in Pennsylvania and there aren't. So
12 this will be the first tank, and that concerns me as
13 well.

14 My other concern is that our
15 township engineer isn't here. And I don't know why
16 he isn't here. I think he should have been here. I
17 think he should be attending these meetings. We
18 don't have an engineer on record. Fred stated he is
19 not a certified engineer. I think that's what he
20 said. Is that correct?

21 MS. LABRUM: Licensed.
22 THE WITNESS: Licensed, not
23 certified, licensed engineer and the township has one
24 and he isn't here and that's a real concern for me.

1 I have several things, so excuse me.
2 I am turning 50 year, so I need to get my glasses. I
3 would like to know, you know, I've been in this
4 township probably in Walnut Hill Lane for ten years
5 and commissioner approximately six years and I have
6 never heard of any of these events. And I would like
7 to know how is the township notified when these
8 events occur? Is the township manager notified?

9 You know, it is come before us now
10 but I have never heard about these events in the
11 past. So I would like to know how is the township
12 notified when this occurs; and if there is a report,
13 who gets the report? And if in the future, can we be
14 notified when an event occurs?

15 I agree with Mr. DiSipio, you know,
16 the issue of the water backing up, it is down the
17 line. It is not only going to occur here, it is an
18 environmental issue. If we are concerned, we should
19 not be just concerned about Haverford. If we are
20 concerned about the environment, we should be
21 concerned about the the other municipalities in
22 direct line being contaminated as much as we are
23 going to be.

24 So I think if this is an

1 environmental issue, the RHM Sewer Authority, this
2 township and our government and our state
3 representatives and our state legislators need to act
4 and move quickly on this and get the D.E.P. to force
5 these other municipalities to fix this issue.

6 Again, we don't know how many
7 easements we are speaking about. I don't know what
8 that is. So I am concerned about that.

9 Let's see. You know, again, I want
10 to say, I do understand that it is an environmental
11 issue and if sewerage is coming up, then we have to
12 do something about it. I do want to move quickly and
13 if that's getting everyone involved and we are
14 passionate about it, and we want to solve the
15 problem, then let's do it. This is the first I am
16 hearing about it since the RHM Sewer Authority
17 brought it to our attention. And I'm not sure all of
18 our residents know about it. I think if our
19 residents knew about it, they could force some of our
20 state legislators to act quickly on this issue.

21 There was one other thing I wanted
22 to bring up and I am trying to think of what it was.

23 Oh, the the fact that major events
24 like a hurricane, it would not be turned on, I think

1 that's -- can you guys answer that question? Is that
2 what was said? It would not be turned on in a
3 hurricane? I have seen that area when it is flooded
4 when Darby creek became almost like a raging river.
5 You know, what good is putting a tank in there? It
6 can't hold that amount of water. There is no way
7 that's going it happen.

8 So to me, you know, the amount of
9 times that it's happened and somebody brought up a
10 good point, out of the six times, one of the
11 residents here, out of the six occurrences, how many
12 would have been prevented had we had a tank? That
13 was one of the residents that left that wanted that
14 question answered. Out of the six times that this
15 has occurred, how would that have been prevented?

16 I tend to agree with Board Member
17 Ken Richardson, there's got to be some give and take
18 here. Maybe there are other options and maybe we
19 don't need a tank as big as the RHM is recommending.
20 Maybe there are other options of putting it into the
21 ground. I don't know. I don't know what they are.
22 But I have been there ten years and it seems like we
23 are rushing to put this in and these occurrences have
24 happened and I never knew about it.

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1 So a couple of things, I mean, I
2 want the township to be aggressive in letting the
3 residents know about this, even whether they are pro
4 or con about it. They have a right to know. It
5 could be very well more people in Rob's area that
6 want to be heard. So I am saying for pro and con, we
7 need to do something to get people to come to this
8 meeting and express their concerns even down in that
9 area.

10 It is a difficult and not an easy
11 solution, I understand that, but I think that if
12 history has proved us, when people get together and
13 put their minds to it and we all work together a
14 community, good things happen. That's the history
15 and richness of the United States.

16 So, I don't know. Those are some of
17 my comments. And, again, I thank the Board. I thank
18 RHM. I know you guys are working hard on this and
19 you want to solve the problems and I appreciate you
20 listening to the residents.

21 One more statement. I am sorry. I
22 am just thinking about some of these things. I don't
23 understand why, why one Sewer Authority doesn't speak
24 to the other Sewer Authority or they don't know

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1 what's happening down there. You mentioned something
2 about Philadelphia you knew about, but you didn't
3 know something about Aldan and what's going on down
4 there. That seems to me that's government.

5 You guys should be talking to each
6 other. Somebody should be forcing you guys to be
7 talking to each other. You should know what's going
8 on down there and they should know what's going on up
9 there. I think we are all in this together. You
10 guys are all caring about the environmental, I am
11 sure they do, and yet nobody knows.

12 That to me is just troubling and I
13 would like to see that changed. I don't know how it
14 is going to change, but I would like to see that
15 happen. So, I know I have been long-winded and I
16 appreciate your time so much.

17 MR. KANE: Thank you, Mr. D'Emilio.

18 MR. BYRNE: As I mentioned early on
19 this evening, I needed to get back to the Board and
20 report to them what I learned here tonight so that I
21 could know what our next step would be. I don't know
22 that the 19th would give me enough time to do that.

23 So with all due respect, if we can
24 go into the January hearing. I don't know what that

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1 does to the applicants.

2 MS. LABRUM: I don't think we want
3 to be on the list with the billboard. We will take
4 January.

5 MR. KANE: Let's go off the record
6 for a moment.

7 (Whereupon, a discussion was held
8 off the record.)

9 MR. KANE: With that, we will
10 continue this case to our January 7, 2010 hearing and
11 we are adjourned.

12 (The hearing in the above-entitled
13 matter was adjourned at 11:09 p.m.)

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Page 156

1
2 C E R T I F I C A T E
3
4
5 I, ARLENE M. LaROSA, a Registered Professional
6 Reporter, do hereby certify that the above testimony
7 was recorded stenographically by me and was
8 transcribed by means of computer-aided transcription
9 under my personal direction.

10
11 I further certify that the foregoing is a true
12 and correct transcript of the testimony given at said
13 examination of said witness.

14
15 I further certify that I am not counsel,
16 attorney, or related to any of the parties of this
17 action nor in any way interested in the outcome of
18 this matter.

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24

ARLENE M. LaROSA, RPR

RHM Sewer Authority Hearings

2010-02-04

2/4/2010

Condensed Transcript

Prepared by:

Daniel J. Siegel, Esquire
Law Offices of Daniel J. Siegel, LLC

Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
 2 OF HAVERFORD TOWNSHIP.
 3 DELAWARE COUNTY, PENNSYLVANIA
 4 IN RE: Z09-24, the appeal of the Radnor Haverford
 5 Marple Sewer Authority, who seeks a variance from the
 6 provisions of Section 182-603 to erect an emergency
 7 sanitary sewer holding tank that will exceed the
 8 maximum height limit of 12 feet on the township owned
 9 property located at Glendale Road and Raymond Drive,
 10 also known as D.C. Folio 2209 01153 00. The property
 11 is zoned ROS, outdoor recreation and open space, and
 12 is located in the 1st Ward.
 13 ---
 14
 15 A continued public hearing was held
 16 before the Zoning Hearing Board of Haverford
 17 Township, at the Township Building, 2325 Darby Road,
 18 Havertown, Pennsylvania, on Thursday, February 4,
 19 2010, commencing at 8:15 p.m. reported by Arlene M.
 20 LaRosa, Professional Reporter.
 21 ---
 22 MEMBERS OF THE BOARD:
 23
 24 ROBERT KANE, CHAIRMAN
 EVELYN YANCOSKIE, VICE CHAIRMAN
 EDWARD MAGARGEE, MEMBER
 EDWARD CASULLI, MEMBER
 KENNETH RICHARDSON, MEMBER

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 ARLENE M. LaROSA, RPR.

ARLENE M. LAROSA, RPR
 Court Reporting Services
 11 Heron Hill Drive
 Downingtown, Pennsylvania 19335
 610.458.7183

Page 2

1 APPEARANCES:
 2
 3 WILLIAM MALONE, ESQUIRE
 4 Solicitor on Behalf of the Board,
 5
 6 BY: KATHRYN LABRUM, ESQUIRE
 7 On Behalf of the Applicant.
 8 ALSO PRESENT:
 9 JOAN SCHECK, Deputy Zoning Officer
 10
 11 ---
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Page 3

1
 2
 3 I N D E X
 4
 5 WITNESS DIRECT CROSS
 6 MARK CAPRIOTTI 6 8
 7 JAMES CANNON 13
 8 STEPHEN D'EMILIO 16
 9 WILLIAM WESCHLER 30
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E X H I B I T S

EX. NO.	MARKED ADMITTED
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(No exhibits were marked.)

Page 4

1
 2 MR. KANE: Our next case is Z09-24,
 3 the appeal of the Radnor Haverford Marple Sewer
 4 Authority, who seeks a variance from the provisions
 5 of Section 182-603 to erect an emergency sanitary
 6 sewer holding tank that will exceed the maximum
 7 height limit of 12 feet on the township owned
 8 property located at Glendale Road and Raymond Drive,
 9 also known as D.C. Folio 2209 01153 00. The property
 10 is zoned ROS, outdoor recreation and open space, and
 11 is located in the 1st Ward.
 12 Hi, Kathy.
 13 MS. LABRUM: Good evening, members
 14 of the Board. We had requested unfortunately rather
 15 late this morning a continuance of our case this
 16 evening either to your first listing in March or your
 17 first listing in April. And I am here tonight to
 18 reiterate that request and to accommodate any
 19 comments that might be here from the public that did
 20 not get notice in time.
 21 MR. MALONE: Kathy, we discussed
 22 this earlier today and thank you for coming here. I
 23 did advise that typically this Board, while this
 24 Board has a procedure in place, that if there is not

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1 a written request 72 hours before the time of the
2 scheduled hearing, you would need to present and make
3 the continuance request, which is why you are here.
4 Just so the public knows, that's what's going on here
5 is this Board does not, when there is not ample time
6 to get notice out to the residents, doesn't just
7 grant continuances in that situation.
8 So we talked about you coming here
9 and this Board deciding what they wanted to do. I
10 also understand that I think both of the
11 commissioners here did the best they could to try to
12 get the word out as well to as many people as
13 possible.
14 MR. KANE: So does any Board member
15 want to chime in or be heard? If not, I think we
16 should allow any residents that are present to
17 address the Board. I mean obviously they will be
18 allowed to address the Board after additional
19 testimony if they are able to make a future hearing,
20 but with respect to the continuance request other
21 than testimony from residents and/or commissioners, I
22 mean does anyone object to proceeding that way,
23 granting a continuance at the conclusion of the
24 resident testimony?

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1 MS. RICHARDSON: I don't object to
2 that procedure.
3 MS. YANCOSKIE: No objection.
4 MS. CASULLI: No objection.
5 MR. KANE: Ed?
6 MR. MAGARGEE: No.
7 MR. KANE: Why don't we proceed on
8 that basis. With that I will ask is there anyone
9 present that received certified mail that wishes to
10 testify?
11 (No response.)
12 MR. KANE: Anyone present that
13 received regular mail?
14 (No response.)
15 MR. KANE: Any other residents of
16 Haverford Township? Please come forward. I need to
17 swear you in.
18 ---
19 MARK CAPRIOTTI,
20 having been first duly sworn, according to law, was
21 examined and testified as follows:
22 ---
23 DIRECT TESTIMONY
24 MR. KANE: Please state your full

Page 7

1 name and address for the record. And feel free to
2 have a seat.
3 THE WITNESS: I am Mark Capriotti.
4 I am in the first block of Walnut Hill Lane, which is
5 only about maybe a half a mile from the spot this is
6 going to be and my kids go into the Merry Place all
7 the time. And being that close, I am concerned about
8 odor, I am concerned about any spillage.
9 I don't know what kind of tank this
10 is. I don't know if any studies were done. I would
11 like to know if studies can be done and shown to the
12 public; if there are any other options for this,
13 whether it should be piped away.
14 It is part of I believe Marple, is
15 it, Radnor and Haverford, is that what the sewerage
16 is for those three townships? So if that's the case,
17 why can't another township with maybe a more secluded
18 area have it?
19 I am more concerned about health,
20 safety and smell in the area with the kids playing,
21 if there is, you know, bad enough there may be some
22 spillage now if it is not piped away. If there is a
23 giant storage tank that spills, there could be
24 thousands of gallons or more all over Merry Place.

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1 There is a ball field there. I don't think Haverford
2 Township is the place for a giant storage tank of
3 sewerage. That's about all I have to say.
4 MR. KANE: Any Board members have
5 any questions for Mr. Capriotti?
6 (No response.)
7 MR. KANE: Kathy, do you have any
8 questions?
9 CROSS EXAMINATION.
10 BY MS. LABRUM:
11 Q. Mr. Capriotti, if you could rank
12 your concerns in order of importance to you and your
13 family, would odor be the top?
14 A. Odor would be the second. You know,
15 you live in a nice neighborhood. That's not what you
16 want to smell. Bad enough you may have relatives
17 come over. But, no, the most important would be
18 sewerage that's spilled out from that tank.
19 I know right now, from what I
20 understand ---and I have to find out more about it --
21 but from what I understand there is a need for
22 overflow. But I would like to know why can't the
23 overflow be taken away in a different manner, not
24 stored in a giant tank?

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1 So my biggest concern is if there is
2 any kind of diseases or spillage in the park and the
3 ballpark or anything like that, the seepage, the
4 ground. Could be anything. Could be kids playing
5 baseball siding into a mud pile that they thought was
6 from rain and it is not.

7 I have a lot of concerns. The top
8 would be safety and second would be odor.

9 Q. Were you aware of the fact that
10 there were two SSOs in December in the park?

11 A. No, I wasn't. But, again, I think
12 what needs to be done is it needs to be routed out of
13 there. If there is an excess there, I don't want it
14 put into a tank held there longer. I want it taken
15 away the way it is supposed to. When you have
16 sewerage in your, on your street everywhere, it flows
17 downhill. That's the thing.

18 So to say you want to hold it in a
19 storage tank, until when? How long is it going to
20 stay there? What happens if there is even too much
21 for that? Then you have a reservoir of sewerage that
22 could who knows what.

23 So, yeah, I am really concerned
24 about that. I think it needs to be taken away some

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1 other way, if there is a way to put a pipeline in, to
2 enlarge the pipeline. Where is it supposed to go?
3 Do you know all this? I am talking to you and I
4 don't know.

5 MS. LABRUM: Only from talking to
6 the engineers. The problem is that during wet
7 weather between December and April when there is no
8 vegetation on the ground, they believe it's as a
9 result of inflow from roof drains and from sump
10 pumps, as well as ground infiltration, you have an
11 extra two million gallons of flow per day.

12 That's not happening just here at
13 the top. This line goes through nine municipalities
14 south of here. They are all older, the system is
15 older.

16 THE WITNESS: Well, shouldn't they
17 be redone in order to accommodate that?

18 MS. LABRUM: There are plans in the
19 making to have a new sewer run parallel to the
20 current sewer. The estimates are it will be about
21 15 years and 60 to 80 million dollars.

22 THE WITNESS: I would rather have a
23 pipe that's supposed to take it.

24 MR. KANE: Kathy, I don't think

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1 that's of record, is it?

2 MS. LABRUM: I think that's of
3 record from Mr. Reardon's testimony and we will be
4 presenting the testimony of Mr. Salvucci from DELCORA
5 with his experience in getting metering into the line
6 from here all the way down to DELCORA.

7 MR. MALONE: If I can stop you for
8 a second, just based upon that statement, at the
9 first hearing in this matter -- bear with me, please
10 Mr. Capriotti -- at the first hearing in this matter,
11 it was brought to this Board's attention that one of
12 the Board member is on the Board of DELCORA.

13 Now that someone from DELCORA is
14 being called to testify, it would seem to me that it
15 is appropriate for that individual to readdress the
16 recusal issue that was brought up to avoid even the
17 appearance of impropriety, specifically, Mrs.
18 Yancoskie indicated that and had some concern about
19 sitting here and we discussed it.

20 With that testimony, my opinion to
21 her and the opinion I gave her that she not feel she
22 should recuse herself has changed. And my opinion,
23 Mrs. Yancoskie, I will change that. If this
24 individual from DELCORA is being called to testify, I

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1 think that may create more of a conflict.

2 MS. YANCOSKIE: Absolutely, and I
3 would very much like to recuse myself under those
4 conditions.

5 MR. MALONE: My recommendation is
6 that that recusal be accepted by the Board.

7 MS. CASULLI: Do that now?

8 MR. MALONE: Until this was
9 confirmed, but now it is confirmed, you are now a
10 four-member board on the remainder of the case.

11 MS. LABRUM: Unfortunately, we
12 can't answer the Board's questions which arose on
13 November the 5th without presenting someone from
14 DELCORA which has the overview of the entire system.

15 MR. MALONE: That's understood. I
16 think it's just brought up on a procedural matter
17 that I thought we needed to address then and there.
18 I am sorry. I interjected. And I think, I am sorry,
19 what Mr. Kane was also getting at is we were getting
20 into a debate back and forth.

21 THE WITNESS: I don't want to do
22 that.

23 MR. MALONE: I wasn't pointing at
24 either of you. I think you were just trying to get

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1 back to the evidence of record and listen to your
2 concerns and allow some concerning on
3 cross-examination, but not really a one-on-one
4 dialogue.
5 THE WITNESS: The biggest concern
6 like I said that I have is that I would like to make
7 sure that this sewerage has a place to go like it is
8 supposed to and not just, instead of doing that, have
9 a place to store it until another time. I don't want
10 sewerage stored in my neighborhood right down the
11 street where my kids play and everything else.
12 That's about it.
13 MS. LABRUM: Thank you.
14 MR. KANE: Thank you very much.
15 Anybody else? Yes, sir, please come forward.
16 ---
17 JAMES CANNON,
18 having been first duly sworn, according to law, was
19 examined and testified as follows:
20 ---
21 MR. KANE: Please state your full
22 name and address for the record.
23 THE WITNESS: My name James Cannon
24 and the address is 1320 Harrington Road.

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1 MR. KANE: What would you like to
2 tell us tonight, Mr. Cannon?
3 THE WITNESS: I feel the same way
4 about the tank because even the issue for myself with
5 being that far away where I am probably about a mile,
6 but I am concerned about the smell, my kids being
7 down there, if there is any additional rodents that
8 come through.
9 We already got, I already have foxes
10 coming through my house and going across the yard and
11 stuff like that. If we have a sewerage problem, we
12 are going to have even more rodents and stuff like
13 that.
14 My neighbor said they had a rat in
15 their toilet so and I have young kids and I have two
16 kids right now and they are foster care. One is one
17 and a half and the other one is two-and-a-half and I
18 don't want to be bringing them up in a bad
19 neighborhood where there is sewerage being stored a
20 mile away.
21 And from the other stuff I have
22 heard is I don't think that they have done enough
23 studies on this whole program to make sure everything
24 is working properly and the proper piping got put in

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1 and everything to get the sewerage out of here
2 instead of just leaving it here and leaving it with
3 Haverford Township.
4 MR. KANE: Questions, Ken?
5 MR. RICHARDSON: How long have you
6 been in your house?
7 THE WITNESS: My son is, let me
8 think, I think it is six and a half years.
9 MS. RICHARDSON: So you have been
10 through some of the flooding?
11 THE WITNESS: The flooding down
12 there in Merry Place, yeah. And I grew up here in
13 Haverford Township myself. And back when Merry Place
14 was there, it was not even Merry Place. It was
15 basically a parking lot with where you could park
16 your car and go fishing. But if it was bad weather,
17 you had to stay away.
18 MR. RICHARDSON: That's all I have.
19 MR. KANE: Ed Magargee?
20 MR. MAGARGEE: I have no questions.
21 MR. KANE: Ed?
22 MS. CASULLI: No questions.
23 MR. KANE: Kathy?
24 MS. LABRUM: No questions.

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1 MR. KANE: Anybody else?
2 (No response.)
3 MR. KANE: No? Mr. D'Emilio? You
4 were sworn at the prior hearing?
5 MR. D'EMILIO: Yes, Mr. Chairman.
6 MR. KANE: You are still under
7 oath.
8 ---
9 STEPHEN D'EMILIO,
10 having been first previously sworn, according to law,
11 was examined and testified as follows:
12 ---
13 THE WITNESS: Thank you. Thank you
14 for allowing me to speak and thank you for allowing
15 the residents that were here that did come. We did
16 try to notify, and apparently it worked, to notify
17 the residents that this was being continued.
18 And I would like to thank Chris
19 Whiting who is with the Informed Citizens Network.
20 He helped get the word out -- he is not here but he
21 was here -- that the case would be continued.
22 Many residents have expressed to me
23 and in one of my meetings exactly what these two
24 gentlemen are stating and that is that we have not

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1 seen any studies that were conducted in respect to
2 putting a sewerage tank or storm water tank down in
3 Genthert field.
4 I did contact State Representative
5 Vitalli. We did hold a meeting in December with the
6 RHM Sewer Authority along with the Board President,
7 Bill Weschler.
8 And the purpose of that meeting for
9 me was to ask for his assistance in getting municipal
10 leaders together down the line to get them to do the
11 right thing, which would be to put this interceptor
12 line in.
13 There's been talk of easements. We
14 don't really know how many easements we are talking
15 about. There could be ten; there could be 110, but
16 from what I am told, some of those easements are on
17 private -- I mean public property.
18 What is disappointing to me is that
19 Representative Vitalli stating that at that meeting
20 Bill. And I agreed that there should be an
21 immediate need for a storage tank. We did not do
22 that, and I asked Bill if he agreed to that and he
23 stated no.
24 So for the record, this was sent out

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1 by Representative Vitalli, we did not agree to have
2 an immediate need for a storage tank.
3 What we agreed upon -- and, Bill,
4 you can come up and correct me if I am wrong -- is
5 that we would have and agree to participate in any
6 meeting with State Representative Vitalli and
7 municipal leaders down the line.
8 That didn't take place. It was
9 scheduled and it was canceled. I do not know the
10 reason for the cancellation and I did not hear when
11 it was going to be rescheduled. But the township
12 engineer did state that an alternate site should be
13 looked at. And that, I believe is one of the reasons
14 why this is being continued this evening is because
15 the RHM Sewer Authority did not do that. They did
16 not look at the Marple transfer site, which our
17 township engineer thought that that would be a more
18 suitable location.
19 According to him, it does not matter
20 whether you put the tank below stream or upstream
21 from the location. You need to pump it into the
22 tank.
23 Now, I guess my point is this: We
24 need to see more studies conducted. We just can't do

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1 the easiest method of trying to fix this problem and
2 that is by putting a tank there that is going to emit
3 an odor. It is not going to be treated. That water
4 will not be treated. There is no other tank like
5 this in the state of Pennsylvania from what I am
6 told. I am not an engineer. An engineer has
7 expressed that to me.
8 The fact that it would take 20 years
9 to fix this line, I haven't seen anything in writing.
10 No one has shown me anything that there was a study
11 and, oh, yes, it is going to take 20 years.
12 Well, you know what? We don't know
13 how long it is going to take. If we don't meet with
14 these other individuals or municipalities, then we
15 are not doing our job. We are not being responsible
16 leaders this our community.
17 If some of the overflow is being
18 caused by this line downstream and it backs up into
19 Haverford Township, why should Haverford Township
20 bear the burden of a tank? There is an alternative
21 and that is to put an interceptor line in.
22 Now, a year ago when this was
23 presented to me, I was told by Fred Williams that
24 there was money set aside for this project and that

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1 there was also grant money. Now I am told there
2 isn't any more money. So what happened to that money
3 that was supposed to be used for this project?
4 We have to be responsible and we are
5 concerned as well when there is an overflow. We are
6 concerned. But in six years of me being a
7 commissioner, this is the first time I have heard of
8 an overflow, and it happened in December and then I
9 understand there were two when I didn't know. I only
10 knew there was two. Now it appears they are looking
11 for overflows whenever it snows or rains.
12 But for six years nobody ever came
13 to the Commissioners and talked to us about the
14 dangers of overflows at Merry Place. I asked the
15 township manager if he was told of any danger of
16 overflow and he wasn't. This, all of a sudden,
17 became an urgent matter.
18 If you go down to Merry Place or
19 Genthert field there, you are not in any danger. You
20 weren't in any danger last week. You weren't in any
21 dangers two weeks ago.
22 Can an overflow occur? Yes, it can.
23 But unless, again, unless we get other leaders
24 involved and do it right, why should we do it?

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1 Again, why should Haverford Township bear the burden
2 of this when there is an alternative?
3 And if we are going to get fined,
4 why aren't the municipalities downstream from us, why
5 don't they get fined for allowing that to happen, if
6 you are allowing that backup to happen?
7 This is not in the public and we
8 need to get the public. I asked for State
9 Representative Vitalli's help in this matter to push
10 this project along to make him aware of it because he
11 apparently wasn't aware of it. He did not know about
12 this issue. He just became involved in this issue
13 and we are going to rush and put a tank in.
14 Let these leaders get involved, let
15 them get other leaders involved, other state
16 representatives, other municipal leaders and try to
17 work this out instead of just putting it on the backs
18 of the residents and children that are going to be in
19 that area.
20 Remember, that tank would be right
21 by a ballfield, and actually almost right next to
22 where the kids practice batting. So I would ask this
23 Board to grant this continuance obviously and to make
24 sure that we have all the facts before we rush into

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1 granting a variance for something that really they
2 are don't have a hardship on because there is an
3 alternative and they could do it. We could do this.
4 Is it going to be easy? No. But
5 nothing worth it is easy. It is going to take a lot
6 of hard work. And sure, yes, we should roll up our
7 sleeves and do it.
8 So that's the goal here. Let's do
9 this right. We do acknowledge and I acknowledge
10 there are overflows at times, apparently in December
11 there were. Prior to that it didn't occur for two
12 years.
13 So I think that getting the
14 residents informed and other municipal leaders and
15 government officials informed would may help push
16 this project along. Maybe we can cut it back. Maybe
17 we could start the project and maybe finish within a
18 few years instead of 20 years.
19 Anyway, I want to thank the
20 residents that showed up tonight and I want to thank
21 the Board for allowing them and myself to address you
22 on this important issue. And I will be addressing
23 State Representative Vitalli's letter. And I just
24 would ask him, although I know this is not on TV or

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1 any press here, but I would ask him to continue doing
2 what I asked and that is to get a meeting together
3 with other municipal leaders with our Township Board
4 President, Mr. Weschler, because it is going to
5 affect, it is close to his ward as well, get us
6 together. We are willing to meet with the other
7 municipalities and any other leaders that we deem or
8 he deems necessary to move this along will we are
9 willing to do that. We should continue to do that.
10 So, again, thank you for your time.
11 MR. KANE: Mr. D'Emilio, did anyone
12 ever give you a time frame that it might take to
13 complete a project like installing another line?
14 THE WITNESS: It only came from the
15 RHM group.
16 MR. KANE: Did anyone other than
17 RHM or even RHM give you what the cost would be to
18 install a new lateral?
19 THE WITNESS: There were estimates.
20 There were estimates. I know that they gave an
21 estimate, but we never saw anything concrete. But I
22 was told by Fred Williams that -- and I think it was
23 maybe in this very same room, I think when they came
24 here before or maybe in the planning commission, that

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1 there was anywhere from 40 to \$80 million dollars
2 earmarked to put this interceptor line in. And now I
3 am told there isn't any money or the money isn't
4 there anymore.
5 So now easiest thing for them to do
6 and cheapest way is to throw a tank into the
7 neighborhood. You know, and in all honesty, I don't
8 like the fact that we have to put it in Marple. I
9 think the right way is to put the interceptor line
10 in. But you know that's me. Why move our problem or
11 the problem to somebody else?
12 And the problems that we are having
13 is not really caused by Haverford Township. It is
14 caused downstream and it starts to back up. And at
15 the lowest point at Merry Place is where it really
16 backs up.
17 So that's why I wanted the state
18 representatives involved, to get other state
19 representatives involved and other municipal leaders
20 because the problem is down even by Drexel Line
21 Shopping Center in that area where the pipe goes from
22 I forget how many inches and it gets smaller. So
23 that's my position.
24 MR. KANE: Any questions, Ken?

1 MS. RICHARDSON: Yes, my question
2 would be there were two dates mentioned. One in
3 March and one in April. Do you think April gives you
4 enough time to meet with the various parties and
5 everything or should we just go for April?

6 THE WITNESS: You know, that's an
7 excellent question, Mr. Richardson. I don't know
8 because, in all honesty, I don't even know what the
9 holdup is. I don't know why the meeting was
10 canceled. I don't know who was contacted.

11 So I don't know. It seems to me
12 that we are now into February. I don't know if there
13 is going to be a meeting by April. There may not be.
14 There may not be a meeting set up by April. If there
15 isn't, that wouldn't be fair to proceed with this
16 without, again, talking to these other municipal
17 leaders.

18 So, I don't know. I mean when we
19 first met, we met in December and we met down in RHM.
20 We met in December and we are now in February and
21 there hasn't been a meeting. It was supposed to be a
22 scheduled. Do you remember when? It was supposed to
23 be last week and it was canceled and I haven't had a
24 makeup date.

1 So December, January, we are now
2 into February. I have concerns. I doubt there would
3 be a meeting. I hope that with maybe some of the
4 residents and myself speaking that we do get a
5 meeting quickly and that RHM does take a look, if we
6 have to put a tank in and our township engineer
7 thinks that that's a site that may be better than
8 putting it where the ball field is, and it will be a
9 little more cost, sure, it may be a little bit more
10 of a cost.

11 MR. KANE: What site are you
12 talking about now?

13 THE WITNESS: It would be the
14 Marple transfer site. If we move it there, according
15 to the engineer, it may cost a little bit more or
16 RHM, I'm sorry, there may be more of a cost to move
17 it there.

18 But no matter where you put the
19 tank, you are going to have to pump. It doesn't
20 matter where. That doesn't add to the cost because
21 you are going to be doing that anyway.

22 At some point I think the township
23 engineer needs to come before the Board and give his
24 expert opinion on it so you can hear it directly from

1 him. But, again, Mr. Richardson, that's an excellent
2 question. I would hope that there would be a meeting
3 by the time April comes around. And I don't know
4 what the holdup is, but I intend to send an e-mail
5 out tomorrow to find out what the holdup is and if
6 and when there is another meeting being scheduled.

7 MS. RICHARDSON: Basically, you are
8 talking about the involvement of every community from
9 here to Delaware, I guess. I don't know how many
10 legislative people that is.

11 THE WITNESS: You know what, I
12 don't know.

13 MR. RICHARDSON: That's the extent
14 of people that should get involve really.

15 THE WITNESS: Well, yeah, and there
16 are other sewer authorities as well that we could
17 talk to as well, but you know, is it going to be
18 easy? No. Hey, the easiest thing for those
19 communities is for us just to put the tank in and
20 then it goes away. Nobody has to spend any money.
21 RHM spends the money to put it in and they don't have
22 to worry about it.

23 But in the end, eventually, from
24 what even RHM stated, you are going to have to put

1 that line in any way. You are going to have to do
2 it. So when are we ever going to get everybody
3 together? We have to, we have to do it because the
4 line, God knows how old that original line is. It is
5 going deteriorate. We are going to have to do it
6 anyway. To ignore it is wrong.

7 To put a Band-Aid on these things,
8 that's what people tend to do. They tend to put
9 Band-Aids and when are the Band-Aids are going to
10 peel off? All these Band-Aids, it is not the
11 solution.

12 But if we and your leaders go out
13 there and say what the problems are, and express to
14 them that, you know, overflows can occur and we want
15 to stop the overflow and make this, if it is sewerage
16 that gets in the line, make it go where it is
17 supposed to do, which is down in Philadelphia in the
18 transfer station -- not the transfer station, in the
19 sewerage plant. That's where it needs to go. It
20 doesn't need to go into a tank for years.

21 And I have been in this township for
22 10, 12 years, but people that have been here for
23 years told me that you could, years ago -- and one
24 of RHM's proposals as well is to, well, if you don't

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1 want to put a tank, we could also put a small
2 sewerage treatment plant there. People that live
3 there, lived in this township know what it was like
4 back then. You couldn't drive or walk by Glendale.
5 I don't think that's appropriate. There is a
6 sewerage plant. It is in Philadelphia. Put the line
7 and make it go down where it is supposed to go.
8 MR. KANE: Do you have anything
9 else, Ken?
10 MS. RICHARDSON: If you had a
11 preference for a continuation date, would it be in
12 March or April?
13 THE WITNESS: I would say April. I
14 don't see anything happening quickly.
15 MR. KANE: Kathy, would you be okay
16 going into April?
17 MS. LABRUM: Yes, we will waive the
18 time limits.
19 MR. MALONE: The problem with that
20 the first group of hearings is the billboard, so it
21 will be the second.
22 MS. SCHECK: That will be the 29th.
23 MR. KANE: Would you be okay with
24 the 29th, Kathy?

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1 MS. LABRUM: I think so.
2 MR. KANE: Ed Casulli, do you have
3 any questions of Steve?
4 MR. CASULLI: No, I don't.
5 MR. KANE: Ed Magargee?
6 MR. MAGARGEE: No, I don't.
7 MR. KANE: Kathy?
8 MS. LABRUM: No.
9 MR. KANE: Thank you, Mr. D'Emilio.
10 MS. LABRUM: We will be glad to
11 waive any time limits so that the Board can schedule
12 it consistent with their workload.
13 MR. KANE: Anybody else want to
14 address the board tonight? Mr. Weschler?
15 ---
16 WILLIAM WESCHLER,
17 having been first duly sworn, according to law, was
18 examined and testified as follows:
19 ---
20 MR. KANE: Your full name and
21 occupation in which you appear here this evening.
22 THE WITNESS: Bill Weschler,
23 commissioner the 9th Ward. I would like to state my
24 opposition. Does anybody want the tank? No. But we

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1 do have health concerns with Merry Place. One of the
2 residents stated about his concerns for his children
3 and both residents that testified about Merry Place.
4 That's my concern, that being in the 9th ward.
5 That's where the sanitary sewers overflows occur.
6 And we have to shut Merry Place down
7 for two, three, four days at a time; cover it with
8 lime. RHM comes with high pressure hoses and water
9 trucks and washes the line back off to do that. So
10 there is a danger there.
11 So do we want a storage tank next to
12 a ballfield? No, we don't. And I think what we have
13 asked and what the township engineer has asked and I
14 think the reason for the RHM continuance this evening
15 is to go back and look at the alternate sites.
16 Our township engineer did suggest to
17 RHM that we look across the stream bed on the other
18 side of the Blue Route, the area behind the Marple
19 transfer plant just on the other side of the Blue
20 Route, which is public land, it is institutional
21 industrial. There is no residences nearby. And as
22 Steve aptly pointed out, we do have to pump. So we
23 would obviously have a longer pump section to do
24 that, but we could still intercept the flow at the

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1 SSO close to Merry Place.
2 So we are not demanding that but we
3 want to allow RHM appropriate time. The meeting that
4 Mr. D'Emilio referred to was canceled. We had asked
5 at the December meeting, we thought it was good, we
6 think it is a regional issue and as such, we want the
7 regional legislators involved with this.
8 Representative Vitalli at Steve's
9 request said that he would contact the other state
10 representatives from Radnor down and request a
11 meeting and we all felt that the meeting was
12 appropriate if the legislators came.
13 And at the first meeting request,
14 all he got back was staffers. We didn't think that
15 would elevate the problem to the level that we could
16 get it addressed.
17 The concern that we have, both Steve
18 and I, this has been an ongoing problem. Nobody can
19 tell us who builds the second interceptor. We talked
20 about talking to multiple municipalities, but
21 multiple municipalities didn't build the Blue Route
22 in different section. There was one entity that took
23 charge the project and then coordinated with the
24 local municipalities.

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1 Both RHM and us are confused. We
2 don't really know who is the lead person, lead agency
3 in getting that. And by getting the state
4 legislators together, we are hoping that somebody
5 would take ownership of that project and that we
6 could demonstrate to DEP and E.P.A. that we are going
7 after the long-term solution. Because Mr. Williams
8 pointed out and the gentleman from DEP that was at
9 the meeting, if we are moving toward a permanent
10 solution, that gives them some leeway in fining us
11 when we do have SSOs and stuff.

12 And we know, as Steve pointed out as
13 well, we do have to get to a permanent solution.
14 Putting a temporary 20 year solution is just that.
15 It is temporary. But the health concerns at Merry
16 Place are paramount. We don't want to close it, but
17 if we have move of these that's what we run the risk.

18 I would say, in answer to Mr.
19 Richardson's question, I would give them enough time
20 to do the engineer and feasibility study, to tell us
21 why we owe to our constituents, if they are going to
22 say it is a negative there, we want enough detail to
23 justify.

24 As Steve pointed out, as I pointed

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1 out, we don't want to build a tank, we don't want a
2 tank in our backyard, nobody does. But if it comes
3 down to health and safety issue, we want to justify
4 one location over the other.

5 So we are talking, I think we are
6 taking a very measured approach against this. But I
7 think that they need the time to do what we think is
8 an adequate engineering study. Take a look at the
9 recommendations that our engineer gave, make the
10 contact with the adjacent township to see that, to
11 see if that's land there. I'm not sure looking at
12 the plot maps whether it is municipality-owned or a
13 private developer that owns most of the park back
14 there to see what our options are before we move
15 forward.

16 So I just ask that we keep cool
17 heads, go look at the options that we have and we
18 move on in an intelligent way in that respect.

19 And I have, Steve and I are sending
20 a letter. We think, at least I think that some of
21 the resistance to meet all legislators is because of
22 the request, so I have gone and through a personal
23 relationship to chief appropriations committee in the
24 house.

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1 Mr. Adolph, who is the next
2 legislator down in Springfield, the next township,
3 asking him to get involved with the hope that since
4 most of the downstream legislators belong to his
5 party to get a better consignment of people coming to
6 do it instead.

7 I have asked that this be a
8 bipartisan effort, not a partisan effort. So I think
9 that's probably there. I would rather hold my
10 testimony until later when there are more
11 constituents to speak because they are not here to
12 see it and offer their comments.

13 MR. KANE: You understand that we
14 would give even more time, Kathy, if you want to take
15 it to a later date. That's fine with us as well.
16 I'm not trying to rush you. Under the MPC, you know
17 we are under certain time constraints.

18 THE WITNESS: We want the solutions
19 and the alternatives to be evaluated not in a quick
20 fashion. RHM has great engineers. We have complete
21 trust in Mr. Williams and staff there. We have the
22 best sewer authority. We are the only one that has
23 the metering and the flows. We can give the
24 statistics better than any other township and borough

Page 36

1 down the road.

2 In fact, our guys help them fix
3 problems. We know we have the expertise to help them
4 down there. It is just a matter nobody wants to
5 spend a lot of money it put this a sewer.

6 MR. KANE: If you want to ask for a
7 later hearing date.

8 MS. LABRUM: Tomorrow morning, an
9 invitation is going out to a large group to try and
10 meet in the month of February at 7:00 a.m. for
11 purposes of just Marple Township and this township to
12 try and get the ball rolling on investigating that
13 site. I think, I am hopeful that those responses
14 will come back in quickly.

15 MR. MALONE: The next date after
16 the 29th would be May 6th.

17 MS. LABRUM: I think that would be
18 fine too.

19 MR. KANE: Off the record.
20 (Whereupon, a discussion was held
21 off the record.)

22 MR. KANE: Ken, any questions for
23 Bill?

24 MS. RICHARDSON: No.

1 MR. KANE: Ed Casulli?
 2 MS. CASULLI: No.
 3 MR. KANE: Ed Magargee?
 4 MR. MAGARGEE: No.
 5 MR. KANE: Kathy?
 6 MS. LABRUM: No.
 7 MR. KANE: No one else that would
 8 like to address the Board tonight on this matter?
 9 (No response.)
 10 MR. KANE: With that, we will
 11 continue this case to our May 6th hearing.
 12 (Whereupon, the hearing in the
 13 above-entitled matter was adjourned at 8:55 p.m.)
 14
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 24

1
 2 C E R T I F I C A T E
 3
 4
 5 I, ARLENE M. LaROSA, a Registered Professional
 6 Reporter, do hereby certify that the above testimony
 7 was recorded stenographically by me and was
 8 transcribed by means of computer-aided transcription
 9 under my personal direction.
 10
 11 I further certify that the foregoing is a true
 12 and correct transcript of the testimony given at said
 13 examination of said witness.
 14
 15 I further certify that I am not counsel,
 16 attorney, or related to any of the parties of this
 17 action nor in any way interested in the outcome of
 18 this matter.
 19
 20
 21 _____
 22 ARLENE M. LaROSA, RPR
 23
 24

RHM Sewer Authority Hearings

***2010-04-29 (Reardon, Salvucci,
Gomez, Brown)***

4/29/2010

Condensed Transcript

Prepared by:

Daniel J. Siegel, Esquire
Law Offices of Daniel J. Siegel, LLC

Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
OF HAVERFORD TOWNSHIP.

2 DELAWARE COUNTY, PENNSYLVANIA

3 IN RE: Z09-24, the appeal of Radnor Haverford Marple
Sewer Authority, who seeks a variance from the

4 provisions of 182-603 to erect an emergency sanitary
sewer holding tank that will exceed the maximum

5 height limit of 12 feet on the township owned
property located at Glendale Road and Raymond Drive,

6 also known as D.C. Folio 2209 001553 00, zoned ROS
Outdoor Recreation and Open Space and is located in

7 the first ward.

8 ---

9 A continued public hearing was held
before the Zoning Hearing Board of Haverford

10 Township, at the Township Building, 2325 Darby Road,
Havertown, Pennsylvania, on Thursday, April 29, 2010,

11 commencing at 9:03 p.m. reported by Arlene M. LaRosa,
Professional Reporter.

12 ---

13

14 MEMBERS OF THE BOARD:

15 ROBERT KANE, CHAIRMAN
EDWARD MAGARGEE, MEMBER

16 EDWARD CASULLI, MEMBER
KENNETH RICHARDSON, MEMBER

17

18 **PLEASE NOTE THAT THIS TRANSCRIPT MAY
BE COPIED WITHOUT THE EXPRESS PERMISSION
OF ARLENE M. LaROSA, RPR.

19

20

21 ARLENE M. LAROSA, RPR
Court Reporting Services
11 Heron Hill Drive
Downingtown, Pennsylvania 19335
610.458.7183

22

23

24

Page 2

1 APPEARANCES:

2 WILLIAM MALONE, ESQUIRE
Solicitor on Behalf of the Board,

3 KATHRYN LABRUM, ESQUIRE
WILLIAM TOAL, ESQUIRE

4 On Behalf of the Applicant,
5 JAMES BYRNE, ESQUIRE
On Behalf of the Township.

6

7

8 ALSO PRESENT:

9 LORI HANLON-WIDDOP, Assistant Manager
JOAN SCHECK, Deputy Zoning Officer

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Page 3

1 I N D E X

2

3 WITNESS	DIRECT	CROSS	REDIR
4 JAMES REARDON	8	21	40
JOSEPH SALVUCCI	40	50	
5 WILFREDO GOMEZ	76	95	
MICHAEL J. BROWN	110	117	
6 ADRIAN W.F. ASHFIELD	132	140	
STEVEN DiSIPIO	145	149	
7 SHELLY ASHFIELD	149		
MARILYN A. ESPOSITO MATTHEWS	154		
8 ROBERT FOWLER	158	160	
STEPHEN D'EMILIO	163		

9

10

11 E X H I B I T S

12 EX. NO.	MARKED	ADMITTED
13 A-5 Letter	4	
A-6 SSO Report	4	
14 A-7 DEP Report	4	
A-8 CV	4	
15 A-9	4	
A-10 Ladder Detail	4	
16 A-11 Map	4	
A-12 Map	4	
17 A-13 Manayunk Tanks	4	
A-14 DEP Report	23	
18 A-15 Flow Report	76	
A-16 Flow event report	76	
19		
Ashfield 1 Minutes	133	

20

21

22 ---

23

24

Page 4

1 ---

2 (Previous to the hearing commencing,

3 Exhibits A-5 through A-13 were marked for

4 identification.)

5 ---

6 MR. KANE: We will reconvene the

7 meeting of the Haverford Township Zoning Hearing

8 Board of Thursday, April 29, 2010.

9 Our next case is Z9-24, the appeal

10 of Radnor Haverford Marple Sewer Authority, who seeks

11 a variance from the provisions of 182-603 to erect an

12 emergency sanitary sewer holding tank that will

13 exceed the maximum height limit of 12 feet on the

14 township-owned property located at Glendale Road and

15 Raymond Drive, also known as D.C. Folio 2209 001553

16 00, zoned ROS Recreation and Open Space and is

17 located in the 1st Ward. This is also a continued

18 case.

19 I believe when last we met, prior to

20 the continuance request, Kathy, you were in the

21 process of putting on your case. So why don't we

22 pick up wherever you would like.

23 MS. LABRUM: Just to recap, our

24 first exhibit introduced in November, November

<p style="text-align: right;">Page 5</p> <p>1 the 5th of 2009 when we were here was a letter from 2 Haverford Township authorizing us to appear and 3 request this height variance for a tank to be built 4 on township-owned property. 5 The second letter which is entered 6 as Exhibit Number 2 was a letter from the Planning 7 Commission and the Environmental Advisory Commission. 8 The Radnor Haverford Marple Sewer Authority appeared 9 before the Planning Commission once and Environmental 10 Advisory Commission twice in a process in trying to 11 select between four sites for erection of this SSO 12 holding tank. 13 When we were last here in 14 November, we spent a great deal of time on site 15 selections. 16 MR. KANE: We also had Exhibits A-4 17 (a) through A-4(c). 18 MS. LABRUM: Yes. 19 MR. KANE: Then we have a plot 20 plan. How was that marked? 21 MS. LABRUM: The plot plan was A-4 22 and then A-4(a) through (c) were photographs. 23 MR. KANE: Okay, good. 24 MS. LABRUM: We would like to</p>	<p style="text-align: right;">Page 7</p> <p>1 to every member of the Board and I have extras. 2 That's Exhibit 6, which will be introduced by Mr. 3 Reardon in a moment, and I have extra copies of that 4 for the Board. 5 We represented to the Board when we 6 were here in November that there had been no SSOs in 7 the service area in 2009. 8 As luck would have it, we have had 9 five since we were here. And one of them is the 10 largest ever measured by the Sewer Authority. 11 MR. KANE: May we have extra copies 12 of 5 so the Board can have copies? 13 MS. LABRUM: The first witness I 14 would call is Mr. Reardon who previously testified in 15 November. 16 MR. BYRNE: Kathy, do you have 17 another 6? 18 MR. KANE: Mr. Byrne, please feel 19 free to pull a seat up. 20 MR. BYRNE: I will. 21 MR. KANE: Okay, Mr. Reardon, 22 please have a seat. You are still under oath. 23 --- 24 JAMES REARDON,</p>
<p style="text-align: right;">Page 6</p> <p>1 confine the hearing this evening to the issues of the 2 variance request. And I will be putting on testimony 3 later to explain that if Radnor Haverford Marple is 4 to build this, we are hoping to do it with grant 5 money. It will be at least \$2 million. Our grant 6 funding would arrive November the 1st. Our 7 applications have to be in by July the 1st. And we 8 are a little bit behind. 9 After appearing here in November, we 10 pursued the opportunity with county to see if we 11 could perhaps erect the tank on the county's 12 property, which is in the service area, but is in 13 Marple Township. The county has turned us down. 14 I have Exhibit 5, which is on your 15 desk, which is a letter by the solicitor of the Sewer 16 Authority requesting that Delaware County reconsider 17 its position on relocating the tank. 18 But the Commission is still going to 19 move forward with alternative sites, but we need an 20 answer on our height variance request from this Board 21 as a result of our funding time limits. 22 MR. KANE: Kathy, do you have extra 23 copies of the Exhibit A-5? 24 MS. LABRUM: Yes, I do. I gave one</p>	<p style="text-align: right;">Page 8</p> <p>1 having been previously sworn, according to law, was 2 examined and testified as follows: 3 --- 4 DIRECT EXAMINATION 5 BY MS. LABRUM: 6 Q. Mr. Reardon, you recall that on 7 November the 5th, you testified before this Board 8 that in the period between 2006 and 2009, there had 9 been six SSOs at the Sewer Authority; three in '06, 10 one in '07 and two in '08 and zero in 2009. Is that 11 testimony accurate as we sit here this evening? 12 A. As of November the hearing, it was. 13 Q. And currently has there been a 14 change in the status with the number of SSOs in 2009? 15 A. Yes, we had two SSOs in 2009; one on 16 December 9th located at the Merry Place and also at 17 our M2-meter station and then we had -- 18 Q. Can I stop you for one moment and 19 use -- I am going to ask you to take a map that's 20 been marked as Exhibit A-12. Can you tell the Board 21 what this is a map of? 22 A. This is a map of the service area 23 for the Authority. Service area for RHM Sewer 24 Authority.</p>

Page 9

1 Q. And there is a pink line on the map?
2 A. Yes.
3 Q. What does the pink line designate?
4 A. That represents our interceptor line
5 that runs from Radnor Township at Bryn Mawr Avenue
6 down to RHM office building.
7 Q. Can you show on the map with this
8 yellow highlighter where the Merry Place SSO occurred
9 on December the 9th?
10 A. (Indicating).
11 Q. Can you show us where the M-2 meter
12 station is where the SSO occurred on December
13 the 9th?
14 A. (Indicating).
15 MS. LABRUM: I will pass that up to
16 the Board.
17 Q. Did the Sewer Authority make an
18 estimate of the amount of sewerage water?
19 A. Yes, we did.
20 Q. What was that at the Merry Place?
21 A. At the Merry Place, there was
22 25,000 gallons that we estimated coming out of the
23 manhole at that location.
24 Q. What was your estimate for the water

Page 10

1 at the M-2 meter station?
2 A. Marple 2 was 50,000 gallons.
3 Q. When was the next SSO?
4 A. Next SSO was December 26th at the
5 Merry Place and also at the M-2 meter station.
6 Q. Combining both locations, how much
7 was the flow of water?
8 A. Total flow for both locations was
9 450,000 gallons.
10 Q. When was the next SSO reported?
11 A. Next SSO was January 25th and that
12 was at Merry Place at the M-2 meter and also at our
13 R-1 meter station.
14 Q. Can you tell us where the R-1 meter
15 station is?
16 A. That's located at 320 and Darby
17 creek where Radnor, Marple and Haverford all meet.
18 Q. Is the SSO at the R-1 meter station
19 the first reported SSO since 2006 at that location?
20 A. Yes.
21 Q. What was the estimated gallons?
22 A. That was roughly 1200 gallons.
23 Q. What was the estimate for the spill
24 at the Merry Place?

Page 11

1 A. 180,000 gallons.
2 Q. When was the next SSO after the
3 January 25, 2010?
4 A. March 13th and that was at Merry
5 Place, Marple 2 and Radnor 1.
6 Q. Was this the largest recorded SSO?
7 A. Yes. March 13th was the largest SSO
8 we recorded to D.E.P.
9 Q. Is this the largest in the history
10 of recorded SSOs --
11 A. Yes.
12 Q. -- at the Sewer Authority?
13 A. Yes, for RHM.
14 Q. What was the estimated volume of the
15 SSO at Merry Place on March 13th?
16 A. For Merry Place it was 650,000
17 gallons.
18 Q. At the M-2 meter station?
19 A. 450,000.
20 Q. And at the R-1 meter station?
21 A. 180,000.
22 Q. Was there another SSO after the
23 March 13, 2010 SSO?
24 A. We had one on March 30th at the

Page 12

1 Merry Place and also at the manhole, RHM manhole 14
2 which is across from the M-2 meter station.
3 Q. What was the amount of the spill at
4 Merry Place?
5 A. 60,000 gallons.
6 Q. Manhole Number 14 is the Haverford
7 the fire grounds?
8 A. 50,000 gallons.
9 Q. When these SSOs occurred, did that
10 result in raw sewerage on the surface of the ground?
11 A. Yes.
12 Q. Have you prepared a memo which is
13 marked A-6 listing these SSOs and the estimated
14 volumes at each of the SSOs and location?
15 A. Yes, I did.
16 MS. LABRUM: I have no further
17 questions for this witness, if Mr. Byrne has some
18 questions.
19 MR. BYRNE: Just one or two
20 questions.
21 CROSS EXAMINATION
22 BY MR. BYRNE:
23 Q. It seems like there was an awful lot
24 of activity with respect to SSOs from December of '09

Page 13

1 through the end of March. And I see that the rains
2 were heavy in each instance. Was there any other
3 reason that would cause the SSOs?
4 A. Well, we had the ground itself was
5 frozen during that time period. We also had snow. I
6 think I marked it down on there. We had snow on a
7 couple of them occasions. But we had snow on the
8 ground, we had melting. The ground was, you know,
9 partially frozen. So we had more runoff into
10 sanitary sewer than into the ground itself.
11 Q. But mainly from liquid getting into
12 the lines is what's causing it?
13 A. Inflow, yes.
14 Q. Were there any problems with any
15 blockages within the lines itself?
16 A. Our lines, no.
17 Q. Down further?
18 A. We don't know. We don't get
19 notified of that.
20 MR. BYRNE: That's all I have.
21 MR. KANE: Mr. Reardon, I believe
22 it was you that told us at an earlier hearing that at
23 some point, Merry Place itself becomes so submerged
24 in water that it is ineffective to pump into a

Page 14

1 holding tank. Is that correct? Were you the one
2 that told us that?
3 THE WITNESS: I don't remember. I
4 don't have the transcript, but, yes, I mean we have
5 had two times when Merry Place was underwater; RHM
6 was underwater. And if we had a pump station there,
7 it wouldn't have done anything. It would have been
8 shut down.
9 MR. KANE: And the heavy rain we
10 had, coupled with the melting water and these extreme
11 weather conditions, would the pump not have been able
12 to function on any of the occasions listed on A-6?
13 THE WITNESS: No, they would have
14 been up and running. The creeks never left the
15 banks. So it would have been just pumping the flow
16 coming in our system.
17 If Darby creek comes over the banks
18 and all, it comes in where the pump station would be
19 and then the pumps would have to be shut down because
20 we would just be pumping creek water.
21 MR. KANE: So on March 13th, when
22 there was the 650,000 gallon SSO, the creek didn't
23 overflow its banks?
24 THE WITNESS: No. No, it didn't.

Page 15

1 MR. KANE: These are sewerage
2 lines, right?
3 THE WITNESS: Yes, sanitary sewers.
4 They are not combined systems.
5 MR. KANE: Where does all this
6 melting rain and water penetrate the sewer lines?
7 THE WITNESS: It is all inflow. It
8 comes from illegal connections, cross connections,
9 manholes in the streets and stuff like that. Some of
10 the townships, your lines are running along side
11 creeks and them creeks come up and they overflow in
12 there.
13 MR. KANE: Ken?
14 MR. RICHARDSON: Could you explain,
15 on 12/9 heavy rains, two inches in half a day and
16 Merry Place you have 25,000 gallons; and then two
17 inches in one day, Merry Place you get 180,000
18 gallons. Why do you think there would be that
19 fluctuation?
20 THE WITNESS: Up to December we
21 didn't really have bad weather. The ground wasn't
22 that saturated, so it absorbed most of the rainwater
23 that came in.
24 MR. RICHARDSON: It would be like

Page 16

1 the water table?
2 THE WITNESS: Right. The water
3 table wasn't up at that point. Prior to that we
4 really didn't have much rain.
5 MR. RICHARDSON: You talked about
6 the storm water getting into the sanitary line and
7 the different reasons for that. Is there -- I know
8 they have the cameras --
9 THE WITNESS: That's what we do.
10 MR. RICHARDSON: -- for the lines
11 and everything to see. But if they had all the pipes
12 sealed up the way they are supposed to be sealed up,
13 would you still have inflow during these storms?
14 THE WITNESS: If all the townships'
15 lines were sealed, yes, you would still have inflow
16 coming in because all your residential lines,
17 laterals tying in. We figure at least 75 percent of
18 our inflow is due to lateral connections. So I mean
19 that would be up to the townships or homeowners to
20 replace all them lines too.
21 MR. RICHARDSON: At this time,
22 anybody in the RHM township-wide, do they require
23 homeowners or residences or commercial to maintain
24 their laterals?

Page 17

1 THE WITNESS: I believe all our
2 townships ordinances specify maintaining their
3 laterals and removing sump pumps and air conditioning
4 units and stuff like that. A lot of places have big
5 office buildings and the air conditioning units are
6 tied into the sanitary sewer instead of tied into
7 something else, and that's all inflow also.
8 MR. RICHARDSON: So it is an
9 enforcement issue?
10 THE WITNESS: Yup.
11 MR. RICHARDSON: That's all I have.
12 MR. KANE: Ed Casulli?
13 MR. CASULLI: How do you estimate
14 these flows or overflows?
15 THE WITNESS: We document, as soon
16 as it starts overflowing, we document it, what time
17 it starts, how high the flow is coming out. We take
18 pictures; then we time, you know, when it starts to
19 recede; and then the engineers, they come up with the
20 calculations.
21 MR. CASULLI: How do you know what
22 the flow rate is? I understand the time portion, but
23 the flow rate?
24 THE WITNESS: Well, I think the

Page 18

1 engineer could probably explain that a little better
2 than I can. They do all that.
3 MS. LABRUM: We have three
4 engineers that will be on this evening that that
5 question would probably be better addressed to.
6 MR. CASULLI: Sure. That's it for
7 now.
8 MR. KANE: Mr. Magargee?
9 MR. MAGARGEE: Did you have any
10 meetings with D.E.P. about these overflows?
11 THE WITNESS: Meetings on these
12 here? No. We just document it, contact and we
13 forward all the information over to them within
14 24 hours.
15 MR. MAGARGEE: There is no
16 information about any overflows in the rest of the
17 line down below this?
18 THE WITNESS: Not that I know of.
19 MR. MAGARGEE: The other question I
20 have, was there any clean-up costs associated with
21 these overflows?
22 THE WITNESS: Just our time.
23 There's no --
24 MR. MAGARGEE: The overflow at

Page 19

1 Merry Place didn't affect the township park?
2 THE WITNESS: The township? I am
3 sorry?
4 MR. MAGARGEE: Where kids come in
5 contact with sewers.
6 THE WITNESS: Well, I mean there's
7 people down there during the time periods and stuff
8 like that. But as far as the kids, I can't really
9 say like that. There were people down there when it
10 was overflowing walking through it. They had dogs
11 down there. You know we put barricades up to try to
12 keep people away, but people always like to walk and
13 see what's going on.
14 MR. MAGARGEE: Does it inundate a
15 certain area?
16 THE WITNESS: It is right in the
17 parking lot of Merry Place right as where you come
18 through the driveway and as your parking lot expands
19 there, it is all there.
20 MR. MAGARGEE: No other questions.
21 MR. KANE: Mr. Casulli, you have
22 another question?
23 MR. CASULLI: I do have another
24 question of Mr. Reardon. You mentioned that if the

Page 20

1 creek overflows several times in the past and Merry
2 Place was under water and the pumping station would
3 not work in that condition?
4 THE WITNESS: No, it wouldn't.
5 MR. CASULLI: Then you said, for
6 these three SSOs on Exhibit 6, that the creeks didn't
7 overflow?
8 THE WITNESS: No, they didn't.
9 MR. CASULLI: Yet I heard this was
10 the biggest SSO ever. How does that reconcile if
11 this is the biggest one ever but the creek didn't
12 overflow?
13 THE WITNESS: The creek was up but
14 it wasn't over its banks. And we also, at that time
15 period, that's when we had the 20 something inches of
16 snow on the ground.
17 MR. CASULLI: This is in March.
18 THE WITNESS: I am sorry. I am
19 thinking back to January.
20 MR. MAGARGEE: February.
21 THE WITNESS: That's when we had
22 the three inches of rain, you know. I can't account
23 for -- I mean the bank was up, but the creeks were
24 up, but they weren't over the banks.

Page 21

1 MR. CASULLI: It just doesn't make
2 sense that if this was the biggest one ever, and yet
3 the creeks weren't over. It is hard for me to
4 reconcile.
5 THE WITNESS: The creeks don't have
6 to come up over the banks. The amount of rain that
7 comes down in a short amount of time getting into the
8 system, like I say, in cross connections and stuff
9 like that. Sump pumps in people's basements for the
10 past three months, from December until March, the
11 ground was so saturated, people's sump pumps are
12 pumping constantly.
13 I don't know if anyone has any sump
14 pumps, but we observed quite a few laterals and stuff
15 like that where the pumps are being pumped right into
16 them.
17 MR. CASULLI: The only question
18 that it brings into mind is how we estimate the flows
19 because they don't reconcile.
20 THE WITNESS: The engineer will
21 come up. Like I say, we just document the
22 information and give it to the engineers.
23 MR. MAGARGEE: Is there any
24 photographs --

Page 22

1 THE WITNESS: Yes, I do.
2 MR. MAGARGEE: --of those? That
3 would be nice to see as well.
4 MS. LABRUM: These are D.E.P.
5 reports.
6 THE WITNESS: Those are D.E.P. The
7 pictures are attached.
8 MR. MALONE: If we are going to
9 show them to the Board, we are going to need to mark
10 them.
11 MS. LABRUM: This is the only one.
12 MR. MALONE: I can take custody and
13 I will be in Media tomorrow and we can take care of
14 that tomorrow.
15 THE WITNESS: Do you want me to
16 take the pictures out?
17 MR. MALONE: Just for the record,
18 so I know what happened, someone came up from the
19 audience and handed a piece of paper to one of the
20 members of the Board. Obviously I took it right out
21 of his hand.
22 We cannot have the Board be handed
23 documentation. Everything is going to have to come
24 here on the record.

Page 23

1 UNIDENTIFIED MEMBER OF THE
2 AUDIENCE: My apologies. I wanted to enter it as an
3 exhibit. I just wanted to read it so we understood
4 what was going on.
5 MR. MALONE: I am going to deliver
6 it back to you. Mr. Kane will certainly, either
7 today or another date, depending on how things go,
8 offer everyone here an opportunity to testify and you
9 will have an opportunity at that point.
10 MR. KANE: We are going to hear
11 from residents tonight even if we have to stop
12 testimony. So you will absolutely have an
13 opportunity tonight to address the board.
14 MS. LABRUM: We will mark the
15 D.E.P. report with the photographs attached as
16 Exhibit A-14.
17 (Whereupon, Exhibit A-14 was marked
18 for identification.)
19 MS. LABRUM: Are there any further
20 questions?
21 MR. KANE: Ed, because that's the
22 only copy, we may have to ask Mr. Reardon to come up
23 and look at the photo with you if you have some
24 questions.

Page 24

1 MR. MAGARGEE: I just wanted to see
2 a visual of what we are talking about.
3 MR. KANE: While you are looking at
4 that, I would like to look at that also. Mr.
5 Richardson, did you indicate you have some more
6 questions?
7 MR. RICHARDSON: Yes. During, if
8 you take the 3/13 storm, if this tank was in place
9 and this storm occurred with this 650,000, and
10 250,000 and 180,000 gallons of overflow, what would
11 that tank take care of?
12 THE WITNESS: It would have taken
13 care of all of it.
14 MR. RICHARDSON: All of it? How
15 big is the tank?
16 THE WITNESS: 1.5.
17 MS. LABRUM: I should clarify
18 that's the tank with the requested variance. The
19 tank by right would be 1.1.
20 MR. RICHARDSON: Clarify that more.
21 So you can categorically say that during this
22 historic storm, that every gallon of that storm would
23 have gone in this tank?
24 THE WITNESS: Yeah, it would have

Page 25

1 all been pumped in there.
2 MR. RICHARDSON: You have three
3 different overflow places?
4 THE WITNESS: One at Merry Place,
5 one at Marple 2 and then the one at R-1.
6 MR. RICHARDSON: When that
7 overflows at these places, where does it come out of?
8 THE WITNESS: Well, at Merry Place,
9 it comes out of the manholes there in the parking
10 lot.
11 MR. RICHARDSON: How many manholes?
12 THE WITNESS: There's one, two,
13 three manholes there and the meter station. So it
14 comes out the doors of the meter station also.
15 At M-2, it comes out through the
16 door. There is a brick building there that houses
17 the station and it comes out through the door there.
18 It is a 36-inch door. It comes out through the seems
19 of the door.
20 And then at the R-1, that comes out
21 through where the meter platform is. There is like I
22 think it is a four-inch hole that the tubing goes
23 through. It came out through there.
24 MR. RICHARDSON: You reported this

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1 to D.E.P.?
2 THE WITNESS: Yes, I did.
3 MR. RICHARDSON: Was there any
4 ramifications from any of these incidents?
5 THE WITNESS: We have not heard
6 back from D.E.P. on any of them yet.
7 MR. RICHARDSON: Do you normally
8 hear back in a certain amount of time?
9 THE WITNESS: Not really. I mean
10 D.E.P. moves at their own pace. They are a little
11 slow right now because of manpower, but we have in
12 the past, back in 2008 or 07 or 06, I can't remember
13 what year, but we do have a couple of letters from
14 them asking us what our intentions are going to be
15 and what we are planning on doing to resolve the
16 problem.
17 MR. RICHARDSON: If they reacted to
18 one of these storms, how do they react to it? In
19 other words, in a negative way I guess.
20 THE WITNESS: Well, in a negative
21 way, they can cite us, fine us.
22 MS. LABRUM: We have a witness
23 here, Mr. Joseph Salvucci, to address that issue from
24 DELCORA.

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1 MR. RICHARDSON: Okay, all right.
2 That's all I have. Oh, no one more.
3 MR. KANE: Go ahead.
4 MR. RICHARDSON: When you had all
5 this overflow at Merry Place -- and I am guessing the
6 toilet paper and whatever else is floating around in
7 there -- there was no cleanup was there? Did it go
8 back in the ground?
9 THE WITNESS: We go out and hose it
10 down with our jet truck and then we clean up around
11 the grass area and then we put lime down. It's the
12 only thing we can do.
13 MR. RICHARDSON: Do you get like a
14 lime spreader and walk around?
15 THE WITNESS: Yeah, we spread it
16 around, around the manholes, around the meter station
17 and we hose down the driveway, the parking lot right
18 there.
19 MR. RICHARDSON: How about the
20 other meter station?
21 THE WITNESS: Do the same thing.
22 That's all right there at Darby creek. We just go
23 down and rake up stuff there and lime it.
24 MR. RICHARDSON: 650,000 gallons

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1 was how big of an area was contaminated, you know,
2 roughly?
3 THE WITNESS: Probably about,
4 probably about 40 by 60-foot area where it was
5 running off. You are talking about where it was
6 running off? Probably about 45 x 60 where it was
7 running off into Darby creek there and there is like
8 a little drainage ditch.
9 MR. RICHARDSON: When it gets into
10 Darby creek, it goes to the ocean?
11 THE WITNESS: Yup, it goes
12 downstream.
13 MR. RICHARDSON: Does anybody
14 monitor that or meter it?
15 THE WITNESS: What?
16 MR. RICHARDSON: The contamination
17 of the creek.
18 THE WITNESS: Samples of Darby
19 creek?
20 MR. RICHARDSON: Yeah.
21 THE WITNESS: I don't know. I take
22 it the government probably does or the E.P.A. We
23 don't.
24 MR. RICHARDSON: That's all I have.

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1 MR. KANE: Mr. Reardon, I think it
2 was you that described for us before your process of
3 cleaning out the mains. You have a machine?
4 THE WITNESS: A jet truck.
5 MR. KANE: A jet truck and you have
6 done that for other municipalities?
7 THE WITNESS: Yeah, four or five
8 municipalities.
9 MR. KANE: Sounds like you guys
10 maintain the sewer lines within your area of
11 responsibility.
12 THE WITNESS: Yeah, we maintain
13 RHM's interceptor lines. Township lines we assist
14 them in maintaining. If they have emergency, if they
15 can't get out, we will send our jets out to break up
16 blockages and help clean the lines and cut roots out.
17 We will assist them.
18 MR. KANE: It sounds like you guys
19 do a great job.
20 THE WITNESS: Thank you.
21 MR. KANE: Do you know what the
22 municipalities downstream do? Do they have similar
23 machinery, if you know?
24 THE WITNESS: I don't really know.

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1 I think a few of the municipalities down below us
2 might have some. I know they have private
3 contractors go and do work. I believe DELCORA does
4 some work also for some of the municipalities down
5 there.
6 MR. KANE: Do you know are there
7 inspections done of all the sewer lines? Are there
8 requirements?
9 THE WITNESS: In the RHM system?
10 MR. KANE: From D.E.P. or the
11 federal government, whomever that require that the
12 lines be inspected or cleaned out at certain
13 intervals, whether it be one year, five years,
14 whatever?
15 THE WITNESS: No, I couldn't answer
16 that.
17 MR. KANE: Do you know if there are
18 requirements with respect to the flow or the capacity
19 throughout the system all the way to the end?
20 THE WITNESS: Yeah, each
21 interceptor system has a capacity, the lines, as it
22 goes down. I believe Mr. Salvucci will touch a
23 little bit on that there with the capacity of the
24 lines and stuff like that.

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1 MR. KANE: Do you know if anybody
2 tests, relative to the capacity of the lines, if
3 anyone tests what the actual flow through the lines
4 is? Because I guess what I am trying to understand,
5 you guys, we maintain --
6 THE WITNESS: Yeah.
7 MR. KANE: -- our area. If the
8 municipalities downstream are not doing the same, and
9 that's causing it to backup and overflow in RHM's
10 district, if you will, I am curious if there are any
11 requirements for the municipalities downstream to do
12 what you guys are doing, take the proactive
13 maintenance to keep the flow going smoothly.
14 THE WITNESS: I believe D.E.P. is
15 probably on them about it or on the other
16 authorities. I really don't know what goes on
17 downstream.
18 MR. KANE: But do they have
19 inspection requirements that are imposed on you guys?
20 Do you have to check your lines or check the flow and
21 report back to them --
22 THE WITNESS: Well, I'm sorry.
23 MR. KANE: -- or only when there is
24 an SSO?

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1 THE WITNESS: No, this is something
2 the Authority has been doing since '74. We bought
3 our first TV unit, TV and grouting unit back then to
4 try to assist in reducing I & I, inflow and
5 infiltration, when we the treatment plant open.
6 Because our treatment plant was
7 being overloaded, we had to put a bypass line in.
8 The treatment plant was like three million gallons a
9 day. We are taking in six million plus gallons a
10 day. The Authority had to put a bypass line into the
11 DCJA, Darby Creek Joint Authority's interceptor line
12 to take off the load from the treatment plant.
13 And at that time, they were talking
14 about regionalizing the treatment plants by
15 eliminating them. So they were going to regionalize
16 everything into Southwest Philadelphia and to
17 DELCORA. And at the time, the Authority started
18 purchasing equipment to try to eliminate the inflow
19 coming in to reduce the costs of treatment, the costs
20 to the taxpayers for the additional flows and
21 treatments for downstream.
22 MR. KANE: So does D.E.P. place
23 requirements upon you to inspect the lines that are
24 in your district annually, semi-annually?

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1 THE WITNESS: No, so long as we
2 continue to do it. They don't give us, you know, you
3 have to do 10,000 feet or 100,000 feet. So long as
4 you are doing the inspection, it doesn't have to be
5 -- our procedure is to try to hit as much areas as
6 we can in our townships.
7 Each of our township's different.
8 Haverford Township we take a third of it. Marple we
9 take a third of it. Radnor Township we take just
10 about 99 percent of that. Newtown Township, now
11 there's two watersheds in Newtown, but we did take
12 all of theirs, which was a small amount still. And
13 then we take a small portion of Tredyffrin Township
14 that comes into us through Radnor.
15 MR. KANE: So all of those
16 townships flow into the RHM?
17 THE WITNESS: Yes, the service
18 area.
19 MR. KANE: And if all goes well, it
20 flows out through the pipes downstream?
21 THE WITNESS: Yes.
22 MR. KANE: We know that your pipes
23 are maintained very well. Is there any way for us to
24 know if the pipes downstream from us are cleaned,

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1 maintained, monitored for infiltration as you do?
2 Because if the problem is being caused downstream by
3 other municipalities, you know, and it manifests
4 itself by backing up and where the pipes are the
5 cleanest, it's coming up through the ground, and I am
6 just curious to know if there are any requirements on
7 those municipalities downstream to maintain their
8 system in the manner that you guys maintain the RHM
9 system?
10 THE WITNESS: Like I said, I'm not
11 sure about the municipalities down below us. DCJA,
12 Darby Creek Joint Authority, I know they do have a
13 contract for their interceptor line. It starts out
14 as a 60-inch line down at Darby Township, comes all
15 the way up to Springfield Township or Springfield
16 /Upper Darby where it is a 36, and they do maintain
17 that by contractor. They have a subcontractor that
18 comes in, televises it and then cleans it. I think
19 the last two years they have been in the process of
20 cleaning all that.
21 MR. KANE: So downstream the pipe
22 gets smaller? It goes from 60 to 36?
23 THE WITNESS: No, it goes from a
24 36, 42 and then down, increasing down to Darby

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1 Township which is a 60-inch line.
2 MR. KANE: Ed Magargee, any other
3 questions?
4 MR. MAGARGEE: No questions.
5 MR. KANE: Mr. Casulli?
6 MR. CASULLI: Just one
7 clarification. Exhibit 6, which is the SSO report,
8 the date of 3/30/2010, there is a line item that
9 talks about RHM manhole 14 across from M-2 meter
10 station.
11 THE WITNESS: Yes.
12 MR. CASULLI: If you go back to
13 3/13/2010, line item M-2 meter station. What's the
14 difference between those two?
15 THE WITNESS: One's across the
16 creek. M-2 is across the creek on Marple Township
17 there. Do you know where your fire grounds are?
18 MR. CASULLI: Sure. Where is the
19 RHM manhole on the 14.
20 THE WITNESS: Right across from
21 that in the parking lot there by the bus.
22 MR. CASULLI: They are opposite
23 each other?
24 THE WITNESS: Yes.

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1 MR. CASULLI: Are they connected?
2 THE WITNESS: No. No, the M-14 is
3 on our interceptor. Marple 2 ties into RHM-13.
4 MR. CASULLI: Why would RHM-14
5 overflow -- so Merry Place overflowed in all five
6 SSOs that you discussed?
7 THE WITNESS: Yes.
8 MR. CASULLI: And meter station 2
9 went ahead and overflowed in four of the five, but on
10 the very last one on 3/30, M-2 didn't overflow but
11 the one across Manhole 14 did.
12 THE WITNESS: The only thing we can
13 come up with that is when Manhole 14 overflowed, it
14 released the pressure there so it didn't go back
15 across the creek.
16 MR. CASULLI: Why wouldn't that
17 have happened on the previous four?
18 THE WITNESS: Well, it blew out the
19 bolts this time, the amount of pressure. I don't
20 know why it hasn't done it before. This is the first
21 time it's blown out there. And actually we just went
22 down and we just replaced all the lids.
23 MR. CASULLI: Okay, thanks.
24 MR. KANE: Ken, you said you have

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1 another one?
2 MR. RICHARDSON: Couple minutes ago
3 you said Haverford Township was a third, Marple was a
4 third. Are you talking volume or area?
5 THE WITNESS: Just area, service
6 areas, about a third we take about.
7 MR. RICHARDSON: Do you know what
8 it is volume-wise? Do you know how much volume you
9 get?
10 THE WITNESS: Yes, these are
11 metered. All of our townships are metered coming
12 into us. We know how much flow is coming in. From
13 Haverford Township we have eight meter stations
14 throughout Haverford Township, and we monitor all
15 that.
16 MR. RICHARDSON: On a daily basis
17 you can tell me what Radnor puts into this?
18 THE WITNESS: I can tell you what
19 everybody puts into it.
20 MR. RICHARDSON: Right now you
21 could?
22 THE WITNESS: Not right now.
23 MR. RICHARDSON: If I can get that
24 information at some time.

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1 MS. LABRUM: I am sure they will be
2 glad to send it over to you.
3 MR. RICHARDSON: Thank you.
4 THE WITNESS: You can contact the
5 township manager or Lori or somebody. I send copies
6 of your flow readings to them each month.
7 MR. RICHARDSON: Every month?
8 THE WITNESS: Every month each
9 township gets a copy of their flow readings.
10 MR. RICHARDSON: But we don't get a
11 copy of Marple's?
12 THE WITNESS: No.
13 MR. CASULLI: Back to that previous
14 question, you said the bolts blew out on Manhole 14
15 during 3/30/2010 event?
16 THE WITNESS: Yes.
17 MR. CASULLI: On Exhibit 14 alpha,
18 you have a picture of the manhole 14. The manhole
19 cover is intact with the bolts installed.
20 THE WITNESS: No, that's lifted up.
21 That's lifted up and it is blown out.
22 MR. CASULLI: This is?
23 THE WITNESS: Yes.
24 MR. CASULLI: It doesn't look like

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1 it to me. It looks like it is flush with the rim of
2 the manhole. You can take a look at it yourself if
3 you want, but it looks flush with the rim to me.
4 Okay, no further questions.
5 MR. KANE: Mr. Byrne?
6 CROSS EXAMINATION
7 BY MR. BYRNE:
8 Q. The manholes are all bolted in a
9 similar fashion?
10 A. Yes, four bolts.
11 Q. Like in each location they are all
12 bolted same way? Like Merry Place they are all the
13 same?
14 A. Marple 2 is a meter station. That's
15 a house. At Merry Place, yeah, the manholes have
16 four bolts and Manhole 14.
17 MR. BYRNE: Okay.
18 MR. KANE: Is that it?
19 MR. BYRNE: That's it.
20 MS. LABRUM: I have one question
21 for the witness.
22 REDIRECT EXAMINATION
23 BY MS. LABRUM:
24 Q. Did RHM recently redo all the

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1 manhole covers?
2 A. We just replaced the three
3 manholes, two at Merry Place and 14, you know, with
4 new bolts. We couldn't get retacked. So we had to
5 put new lids and all on. And Haverford assisted us
6 in that by cutting out the blacktop.
7 MR. KANE: Mr. Byrne?
8 MR. BYRNE: I have nothing else.
9 MS. LABRUM: We call Mr. Joseph
10 Salvucci as our next witness.
11 ---
12 JOSEPH SALVUCCI,
13 having been first duly sworn, according to law, was
14 examined and testified as follows:
15 ---
16 MR. KANE: Please state your full
17 name and your occupation in which you appear here
18 this evening.
19 THE WITNESS: My name is Joseph
20 Salvucci, S-A-L-V-U-C-C-I. I am executive director
21 of the DELCORA of the County Wastewater Authority.
22 And I am here to offer some testimony on how
23 different municipalities work together on projects
24 throughout the county.

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1 MR. KANE: Please have a seat, Mr.
2 Salvucci.
3 DIRECT EXAMINATION
4 BY MS. LABRUM:
5 Q. Good evening, Mr. Salvucci. Can you
6 describe for the Board what DELCORA does?
7 A. Well, DELCORA is an authority. And
8 authority, obviously that's an entity that's formed
9 for a specific purpose. Ours is to treat wastewater,
10 convey wastewater.
11 And we convey about 70 million and
12 treat about 70 million gallons a day of wastewater
13 emanating from most of Eastern Delaware County and
14 about two-thirds of the sewered areas in western
15 Delaware County.
16 Q. Do you accept the wastewater for
17 treatment from the RHM system?
18 A. The RHM system flows into the Darby
19 creek system. That's another authority that just
20 does conveyance. And the terminus of that authority
21 is at our pump station located across from the what
22 used to be the old incinerator on Calcon Hook Road.
23 We have a large pump station there
24 that then pumps that wastewater to the Philadelphia

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1 southwest plant for treatment. We have a long-term
2 agreement with the Philadelphia Water Department to
3 treat 50 million gallons a day.
4 Q. And the other 20 million gallons a
5 day that go through the DELCORA system?
6 A. Well, we typically only send about
7 30 million gallons a day to Philadelphia except when
8 it rains and we get a lot more flow.
9 We have a plant, our own plant in
10 western Delaware County located in the City of
11 Chester. That plant has a rating also of 50 million
12 gallons a day and it typically treats about 39, 40
13 million gallons of both municipal waste and about 13
14 million gallons of industrial waste, flow from the
15 Kimberly Clark Corporation and Sun Oil, and that's
16 been that which since 1975.
17 Q. If I could show you this map that's
18 been marked Exhibit A-12, which has been marked with
19 a yellow highlighter down the Darby creek and if the
20 yellow starts at the Haverford Marple Glendale --
21 A. At the plant.
22 Q. -- at the plant.
23 A. This is township line. That's where
24 the Darby creek interceptor starts right there and

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1 goes all the way down and finally winds up at the
2 Darby creek pump station.
3 Q. The sewerage water passing from the
4 Radnor Haverford Marple system passes through how
5 many municipalities on its way to treatment?
6 A. There are 12 municipalities that are
7 members of the Darby Creek Authority.
8 Q. And when Haverford Township's
9 experiencing an SSO at Merry Place, what is the
10 effect of the downstream pipes on that SSO?
11 A. Well, that's a complicated question.
12 That came up earlier this evening. When you are
13 talking about peak -- the problem is peak flows
14 first. It is not the average flow.
15 In the -- we have documented
16 information in the RHM system that during the heavy
17 rainfall, the peak flow through the line will be
18 about three times that the average daily flow. And
19 that's why you exceed the carrying capacity of the
20 pipe.
21 And that's not a whole lot different
22 than the rest of the municipalities. A question came
23 up about how do we know what other municipalities do.
24 For about five years now, we have actually metered

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1 all of eastern Delaware County. We have about 120
2 meters operating, and we can tell you the dry weather
3 flow and peak flow for every municipality.
4 By and large, there is not much to
5 pick and choose between them. Some areas are bad and
6 some areas are good. It usually correlates best with
7 the age of the area. Some peaking factors are as
8 high as 5 and 6; others are as low as 2.
9 MR. KANE: I don't want to
10 interrupt Kathy's question, but while we are on the
11 subject, do you know what the maximum flow based on
12 the size of the lines should be? And is that what
13 you measure against, the lines should be able to
14 handle X and only Y is able to flow through it?
15 THE WITNESS: I don't know
16 directly. I could do it. Any engineer, sanitary
17 engineer that works in an area, knowing the size of
18 the line, the pitch of the pipe and the construction
19 of the pipe, how smooth it is on the inside, how many
20 undulations, we can tell you what the carrying
21 capacity of the gravity interceptor is, what the peak
22 flow of the carrying capacity is.
23 MR. KANE: Sorry, Kathy.
24 BY MS. LABRUM:

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1 Q. You mentioned that the entire system
2 is currently metered so that you can read the flows?
3 A. We actually meter all of Delaware
4 County, not just that portion. And what's left now,
5 there is only a small portion of Rose Valley and a
6 little bit of Nether Providence in the entire DELCORA
7 system that's not metered.
8 Now, that provides a lot of good
9 information for engineers to look for problems. And
10 we have had numerous occasions where you could ask
11 Mr. Close about one that occurred in Lansdowne where
12 they found a major leak coming from a potable water
13 line and were able to eliminate a few hundred
14 thousand gallons a day from entering the sanitary
15 system.
16 Q. As a result --
17 A. Can I volunteer something? A
18 question was asked earlier about how much do we know.
19 When we measure the flow at the pump stations, we
20 also have gotten information from those people who
21 supply potable water. And if you look at how much
22 water they bought and how much sewerage they deliver,
23 it kind of tells you how much rainwater is getting in
24 there.

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1 What you will see at the pump
2 stations typically is about 40 to 45 percent at the
3 pump station is not water that they bought.
4 Now when you take into account that
5 not everything enters the sanitary system because of
6 washing cars or watering your lawn, that says we have
7 a major I & I problem throughout all of Delaware
8 County, and we are all paying for that.
9 MR. KANE: Is it possible to
10 isolate which municipalities that it is most
11 prevalent in?
12 THE WITNESS: Good question. That
13 was the incentive program that was put in place a
14 number of years ago. It used to be that all of
15 Delaware County, all the costs that were incurred in
16 treatment and in pumping just got allocated back to
17 municipalities on the basis of the number of houses.
18 One of the projects that was started
19 a number of years ago -- and it took a long time ago
20 to get agreement -- was we decided to meter all the
21 flows and then allocate costs back to the
22 municipality on the basis of proportionate flow.
23 Even then we had to do it over time
24 because municipalities were loath to accept that much

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1 of a change. It was very difficult to get
2 municipalities to agree to do things that represent
3 much of a break from the past.
4 So what we decided on -- not we but
5 we actually had a group of people, representatives
6 from all the different municipalities of which I
7 believe Mr. Close will testify later was one of the
8 members of that technical committee -- we started off
9 one year just meter and you look at it.
10 Then the next year we allocated the
11 cost back 20 percent on flow; 80 percent on EDUs;
12 and the year after that, 40/60 and so forth and so
13 on.
14 This year 60 percent of the costs is
15 allocated back on flow; 40 percent on households.
16 And that's causing a lot of municipalities to look at
17 sources of I & I because, in some cases, their
18 wastewater treatment bill went up considerably
19 because they had higher flow per household or per
20 hundred thousand people than their neighboring
21 municipality.
22 So it is causing some -- well, you
23 should compliment all the members of the
24 municipalities from Delaware County because they

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1 really came up with it. And if you are in Haverford
2 Township, all the municipalities agreed to do this at
3 the last 537 regional plan division which is about
4 seven years ago and it's taken us this long to get
5 where we are metering 60 percent and allocating costs
6 on that basis. We move very slow.
7 BY MS LABRUM:
8 Q. You mentioned it was very difficult
9 to get agreement among all the members of the
10 municipalities for the metering project. Do you have
11 an opinion as to how difficult or easy it would be to
12 get agreement for all of the member municipalities to
13 build an interceptor parallel line through the Darby
14 creek service area?
15 A. That's an interesting question. I
16 actually sent them a letter because of lack of
17 activity on this to Darby creek offering to give them
18 technical assistance, to help them with the
19 reconstruction if they chose to do so or even buy it
20 from them and I will fix it. I haven't even gotten a
21 response from the letter yet.
22 It is very, very difficult to get
23 people to change to do that. This is an opinion, but
24 mine's probably as good as anyone, you are not going

1 to get them to do it. They are going to say that's
2 your problem. We do not want to spend money down
3 here to fix a problem that's occurred because you
4 have high flows up in your area.

5 Perhaps that can get done over time,
6 but that will be the result of a lot of meetings and
7 a lot of trying to get alignment among people to
8 proceed. So that would be a very difficult thing.
9 At this point in time, you won't get them to do it
10 because they don't think it's their problem.

11 Q. Are you familiar with the Cantania
12 engineering survey that looked at a possible parallel
13 line?

14 A. I talked to young Charles Cantania
15 who actually did the preliminary concept engineering
16 of what would be involved to rebuild portions,
17 parallel portions and otherwise rehabilitate the
18 entire interceptor running from the terminus point at
19 township line where the RHM bypass goes in, all the
20 way down to the pump station.

21 He is a very competent engineer.
22 His estimates are usually pretty good. There's not a
23 lot of site work done and he is estimating that
24 that's about a \$20 million job to do that.

1 Now, I can tell you I have worked in
2 capital engineering for a long time in the private
3 sector mostly. And that estimate is probably no
4 better than minus 20 percent, plus 40 percent. It
5 could easily be half again as much because they have
6 done very little site work. So they don't know
7 what's involved in term of what rock they might run
8 into or accessibility. It is a very difficult
9 project.

10 Q. Can you explain to the Board the
11 position of the Pennsylvania Department of
12 Environmental Protection with regards to sanitary
13 sewer overflows?

14 A. That's a violation of the Clean
15 Water Act. They usually take a very dim view of it.
16 They rely on municipalities self-reporting. Usually,
17 if you report an overflow, they will over time -- and
18 sometimes they are slow to act -- they will issue a
19 notice of violation, and then after that, they will
20 assess a penalty.

21 Q. We premarked as Exhibit 7 a
22 Department of Environmental Protection Bureau of
23 Water Supply and Wastewater Management document
24 outlining the civil penalty assessment procedure for

1 pollution incidences. Do you know what the fines can
2 be assessed by D.E.P. for SSOs?

3 A. Yeah. It can vary quite a bit
4 because the department really has very broad
5 discretion when it comes to fining violators. They
6 take into account a lot of things, but what it is
7 normally based on is, and the way I like to think of
8 it, we do this too actually DELCORA is an agent at
9 the federal level for the Clean Water Act because we
10 issue a permit to like those two industries that I
11 said discharge to us.

12 I was almost shocked at what
13 authority I have. I can fine them up to \$25,000 a
14 day, and there is not a lot you can argue about.
15 The state, for violations of the state act, I believe
16 it is as much as \$10,000 a day.

17 And what they will look at is have
18 you been trying -- was it purely accidental first
19 thing or is it something that possibly could have
20 been prevented; did you know about it; do you have a
21 corrective action in place; are you following that
22 corrective action plan.

23 They do not-- they are not very
24 receptive to concerns about money. As far as they

1 are concerned, it doesn't matter whether you have a
2 lot of money or not. You don't have leave to pollute
3 the environment.

4 If it enters the streams, that's
5 really bad because you can get other people involved.
6 You can get the Fish and Game Commission involved and
7 they will come down and count dead fish, and then you
8 will get assessed a fine so much per dead fish. That
9 happened to us once. I think it was Hurricane Floyd
10 when we had a major power failure.

11 If you are progressing against a
12 plan and trying to resolve the problem and acting
13 expeditiously, the fines will be modest, although you
14 will usually get something.

15 If they think you are trying to
16 stonewall them, they are really going to hit you over
17 the head. They will make it very costly.

18 Then the next thing that will come
19 is an enforcement action and you really don't want
20 that because the end product of that is a consent
21 decree. And that's -- there are some lawyers on the
22 Board here or people who have legal background. You
23 don't really want that because that takes all the
24 discretion out of your hands. You agree to what

1 you're going to do, you agree to what the timetable
 2 will be, and you also agree to what the penalties
 3 will be, they are stipulated what the penalties will
 4 be if, in fact, you miss anything.
 5 So I really try to avoid them
 6 because no one has that good of a crystal ball to
 7 look that far in the future and say I am going to be
 8 able to do all this by this period of time.
 9 They don't really care. Someone --
 10 I used -- people would always ask me how long does
 11 it take to get a project done. That's always an
 12 interesting question. I would say, well, there's
 13 three things involved in a big capital project.
 14 There's the cost of it, there's the quality of work
 15 and scope of the work, and there is the time to
 16 complete it. And I would tell them, pick any two and
 17 that's a pretty good assessment in the private
 18 sector.
 19 When you really get involved in the
 20 public sector, there are some other things involved;
 21 how much opposition is there, there is bureaucratic
 22 stagnation -- it takes a long time to get permits
 23 through -- and there is the whole alignment issue how
 24 you get people aligned to do something if it cuts

1 across municipal boundaries.
 2 There is a weakness in the state.
 3 All the planning activity for wastewater is done by
 4 municipality in the 537 plan. That's really not the
 5 best way to plan for waste wastewater. You have to
 6 do that on a watershed basis. But it is done by
 7 municipality. Therefore, if you want to do something
 8 regionally, you have to get every municipality in
 9 that region to agree. That is not easy.
 10 Q. Do you have an opinion as to the
 11 feasibility of RHM not building a temporary storage
 12 tank while waiting for a new interceptor line to be
 13 constructed?
 14 A. You mean just don't do work on the
 15 project and tell D.E.P. you are going to convince the
 16 people to build an interceptor? I don't think they
 17 will be tolerant of that, to tell you the truth, my
 18 view would be.
 19 They don't care if you put something
 20 in that will work and prevent pollution and only use
 21 it for a couple of years. Remember, I said money is
 22 not -- that's not a criteria to them. They just
 23 don't want the streams polluted.
 24 Q. Are SSOs leaving Merry Place and

1 entering Darby creek a violation of state law?
 2 A. It is both a violation of state law
 3 and federal law. So they could -- and this has
 4 happened in certain areas -- you could get the E.P.A.
 5 involved. They were involved in out in the ALCOSAN
 6 area. That's the area that surrounds all of
 7 Allegheny County. There's a number of consent
 8 decrees out there and they are a 3.5 billion dollar
 9 building project to eliminate CSOs, combined sewer
 10 overflows, and SSOs.
 11 They are also involved in City of
 12 Scranton and Allentown. And we have on file with the
 13 state what's called the long-term control plan, what
 14 you intend to do with your combined system over time.
 15 They have requested us to update it and prove it. So
 16 the E.P.A. can get involved.
 17 MS. LABRUM: I have no further
 18 questions.
 19 MR. KANE: Go ahead, Mr. Byrne.
 20 CROSS EXAMINATION
 21 BY MR. BYRNE:
 22 Q. Mr. Salvucci, if I am hearing this
 23 right, the solution that we are talking about here is
 24 kind of like a Band-Aid, the storage tank. It is

1 kind of not the ultimate fix to this problem. It's a
 2 Band-Aid type fix to the problem?
 3 A. I don't know whether I would
 4 characterize it as that. If it is adequately
 5 designed, it could, it could run for a long time.
 6 In fact, we had a similar situation
 7 that we have considered not because of overflows but
 8 because of peak flows to the City of Philadelphia.
 9 And we had an engineering study done a couple of
 10 years ago of how much storage capacity would we have
 11 to build down by the Darby creek pump station to
 12 prevent peak flows from going to the City of
 13 Philadelphia.
 14 And that's because that was strictly
 15 financial for us because Philadelphia was making
 16 noise about getting very onerous on expenses, and if
 17 we had to, we would plan to do that.
 18 Now, Philadelphia backed away from
 19 that because they got involved in redoing their
 20 long-term control plan and they asked us to hold off
 21 any negotiations until they complete that. But, no,
 22 it could be a long-term fix.
 23 Q. Maybe it was not the greatest
 24 question in the world, but I guess what I am trying

1 to find out as between the parallel interceptor and
2 the storage tank, in an ideal world, the interceptor,
3 the parallel line would be the better fix, right?

4 A. I think the best fix is to eliminate
5 the I & I at the source because, if nothing else,
6 even whether you convey it or store it, you still
7 have to pay for it. And, as I said, it says that
8 nearly a third of what we pay to the City of
9 Philadelphia is water.

10 Q. I guess what I am trying to get to,
11 just from a layman's point of view -- and I have some
12 questions from some of the residents around that area
13 -- is you know you talked about the enforcement
14 actions that take place in order to get people to
15 stop SSOs and other things like that that you don't
16 want to get involved in. Is there any other kind of
17 action that could be taken to force this interceptor
18 to move a little quicker rather I think your
19 testimony was you don't think it is going to get
20 done, the interceptor line is not going to get done?
21 Is there anything that could be done to force the 12
22 municipalities to work on the interceptor more
23 quickly?

24 A. Jim, I don't really know. I guess

1 if RHM thought they had -- you can file a civil
2 action to ask them to do that. I don't know of any
3 provision in any of the regulations that could have
4 that come about, but I just don't know.

5 MR. BYRNE: That's all I have.

6 MR. KANE: Mr. Salvucci, the
7 sewerage flows through I think you said 17
8 municipalities between -- or is it 12?

9 THE WITNESS: There are 12
10 municipalities in the Darby creek system. They don't
11 all border that one interceptor. Some come -- there
12 is another interceptor, that kind of goes off toward
13 Cobbs Creek, but there are 12 municipalities that
14 contribute wastewater to the Darby creek system, plus
15 Radnor Havertown and Marple, and I think there is a
16 little bit of Tredyffrin and couple of other minor
17 people to the north that use the system because they
18 are in the watershed and it's convenient to do that.

19 MR. KANE: Does every municipality
20 have a Sewer Authority?

21 THE WITNESS: No.

22 MR. KANE: So between here --

23 THE WITNESS: Most do not.

24 MR. KANE: Does that mean the

1 municipalities that do have sewer authorities, are
2 they the only ones subject to fines?

3 THE WITNESS: No.

4 MR. KANE: How would a municipality
5 that doesn't have a Sewer Authority, who would
6 measure it? It is all self-reporting, so how would
7 they measure it or even know there was?

8 THE WITNESS: That would be
9 problematical to do that. If it gets reported --
10 first off, I'm not aware of any municipality that has
11 their own Sewer Authority in eastern Delaware County.
12 I have to think for a moment.

13 Every municipality is a member of
14 one of three conveyance authorities. There is Darby
15 creek, and that's those 12 municipalities. Then
16 there is Muckinipates, which there is eight in that
17 authority. There is the Central Authority, which is
18 in the Crum creek system. There used to be nine and
19 there's three that were admitted about a year ago,
20 Newtown, Upper Providence, and Edgemont.

21 That process to get those three
22 municipalities into that Authority took over a
23 decade. And it was originally envisioned in there in
24 the plan that was developed in the late -- in the

1 early 70's, late 60's.

2 MR. KANE: Which?

3 THE WITNESS: That's the Central
4 Authority. There are nine municipalities, original
5 municipalities plus three others. And that's along
6 the Crum creek watershed.

7 Most municipalities have their own
8 sewer department. Some of the smaller ones don't
9 have anything and contract for it. I live in Upper
10 Darby. They have a sewer department and clean their
11 own lines. I am sure Havertown does as well.

12 DELCORA only runs the local
13 collection system, and we actually clean the lines in
14 the cities of Chester and in Upland, Parkside,
15 Trainor now, and that's it. We contract to do work
16 in Folcroft and a couple of other municipalities.

17 MR. KANE: It just seems unusual
18 that municipalities that don't have a Sewer Authority
19 will never report an SSO because there is --

20 THE WITNESS: It can be reported by
21 anyone. And one of the things that will read very
22 negatively, influence a fine, is if you knew about
23 and didn't report it. That's really a no-no.

24 MR. CASULLI: Is it the

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1 municipality that reports the SSO or the Sewer
2 Authority?
3 THE WITNESS: It could be anyone.
4 It is supposed to be the person who owns the asset.
5 MR. CASULLI: Who gets fined?
6 THE WITNESS: The person who owns
7 the asset.
8 MR. CASULLI: Which is who in this
9 case?
10 THE WITNESS: RHM. That's
11 something that was raised. You can argue all you
12 want that this is caused by high flow up here or
13 there is not enough room. They don't care. You are
14 going to get fined.
15 MR. KANE: The reason I was asking
16 those questions is, while I believe that our or RHM's
17 flow lines are cleaned and maintained, if
18 municipalities that don't have the Sewer Authority
19 downstream from us were to do the same thing, I am
20 wondering if that would solve the flow problem and
21 eliminate the need for a tank. That's the reason I
22 was asking those questions.
23 THE WITNESS: I don't think so. I
24 mean if you look at the meter data -- I will take a

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1 look at it because I am going a little bit from
2 memory here -- I think you are going to find that the
3 peaking factors of the various municipalities don't
4 vary that much. Everyone has the same problem.
5 MR. KANE: But if their sewer lines
6 are never inspected or maintained because they are
7 not contracted, you are not contracted to do it, RHM
8 is not contracted to do it, how can we really know?
9 THE WITNESS: Well, you don't know
10 without measuring it, but my guess would be if you
11 don't maintain the line at all, a couple of things is
12 going to happen: One, it is going to fill up with
13 grit and have less carrying capacity. The other is
14 you are going to have a high peaking factor because
15 you are going to have more leaks.
16 MR. KANE: When you say peaking
17 factors, what do you mean?
18 THE WITNESS: That's the wet
19 weather flow contrasted with the dry weather flow.
20 For instance, the RHM Authority has an average flow
21 for the year about 7.5 million gallons.
22 During a heavy rainstorm, what goes
23 into the terminus point -- that's a plot I put
24 together. This is a year and this is a rain event at

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1 RHM. This starts, this was 12/11/2008 to 12/12/2008,
2 and you can see the flow, it actually dropped below
3 the average and went up to about 21 million gallons
4 on top of an average about 7.4. So that's a peak of
5 about three. That's one rain event.
6 That's what causes the overflow
7 because that line cannot handle three times the dry
8 weather flow.
9 MR. KANE: It overflows -- and
10 correct me if I am wrong, I am no sewerage expert.
11 THE WITNESS: Sometimes I don't
12 think I am either, but don't feel bad.
13 MR. KANE: If there is a blockage
14 downstream and there is additional water coming in
15 from --
16 THE WITNESS: That will aggravate
17 it.
18 MR. KANE: -- Radnor Haverford
19 Marple and it's clogging up two municipalities two
20 down from us where there is no sewer authority
21 possibly and it's manifesting itself in Haverford
22 because our pipes are all clean and the manhole
23 covers will pop off because there is no debris
24 blocking them.

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1 THE WITNESS: Could be, it could
2 also be because of localized rain. This county is
3 subject to very localized rain events. We measure
4 rain at our western plant and also the pump stations.
5 Sometimes it can be really raining east and get no
6 rain at the western pump station.
7 So this interceptor is so long, if
8 it is really raining heavily up in Radnor or upper
9 parts of Haverford, that means there is a lot of
10 water coming down. And if there is no rain
11 downstream from it, then it probably gets through
12 there without any problem.
13 It could be just the opposite. If
14 you have a light rain relatively speaking in the RHM
15 area, but you have very heavy flooding and very heavy
16 rains downstream, you can get overflows. It is also
17 very dependent not just upon the rain, but the
18 history of rain.
19 Remember, we talked about I & I.
20 That's two different things and I think it was
21 partially explained. The first I is inflow. That's
22 the very rapid rise and that's water that just flows
23 into the system due to cracks in the system, roof
24 drains, sump pumps, manholes along the streams that

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1 aren't even intact. So the Darby creek goes up so
2 high and flows into the manhole. That's happened if
3 the manholes have been off.

4 Then infiltration is due to high
5 water table. So we had starting, if you have a lot
6 of rainfall for a long period of time, then the water
7 table starts to come up and that will aggravate the
8 problem, which is probably why we had more troubles
9 in the latter part of last year and into the early
10 part of this year because we had a lot of rain in the
11 second half of last year.

12 Now, you can contrast that and you
13 can go back in 2002, those of you who recall that was
14 the drought year. And we did a lot of measurements
15 that year because we believe that really gave us a
16 true flow with no infiltration because the water
17 table was so low that if you got a dry day, there was
18 no infiltration, so we used that as a benchmark for
19 that year.

20 But that's very complicated. As I
21 say, it is rainfall. It also depends upon the time
22 of day. The middle of night, typically, if you look
23 at sewerage flow it follows what they call a diurnal
24 cycle. You can guess what it is. Nine o'clock in

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1 the morning it is high. Moms doing laundry and
2 people might be taking showers. It is high again in
3 the early evening.

4 At 3 o'clock in the morning, it is
5 really low. When I used to be a councilman in Upper
6 Darby and I wanted to go out and look at sewer pipes
7 I went out at 3 o'clock in the morning because that's
8 when you look at them when the flows are really low.
9 That's when you TV them.

10 MR. KANE: Which municipalities
11 between here and DELCORA do have a sewer authorities?

12 THE WITNESS: None. They are all
13 members of Darby creek. No one has their own sewer
14 authority that I am aware of.

15 MR. KANE: Which ones have sewer
16 departments?

17 THE WITNESS: I don't know offhand.
18 I could get you that information. If you are
19 interested in it, I will get it tabulated. I just
20 don't have that committed to memory. By that, I
21 think you are asking me who has full-time employees
22 that work on sewers?

23 MR. KANE: Yes.

24 THE WITNESS: As contrasted to who

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1 contracts to have somebody to do it, I can get that.

2 MR. KANE: Is it under your
3 authority to require that municipalities contract
4 with someone to have their lines inspected, cleaned?

5 THE WITNESS: No.

6 MR. KANE: Does the state require
7 them to be inspected or cleaned?

8 THE WITNESS: I think what's coming
9 is the state's talking about or has been talking
10 about licensing of operators for local collection
11 systems. And you are likely to see that. I'm not
12 aware of anything specific right now.

13 Now, we do ours just because we
14 think it is cost. We inspect and clean all the
15 pipes on a three-year cycle. And that I think is, 3
16 to 5 years I think is the general accepted good
17 target.

18 You ought to TV the line and depending
19 upon the condition of it, get rid of the grit or
20 grout and do what you have to do on that cycle.

21 MR. KANE: If the municipality
22 doesn't have a contract or doesn't have a sewer
23 department, how do you know if the line is broken or
24 collapsed? Does that cause some traumatic event

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1 generally?

2 THE WITNESS: Well, if there is a
3 collapse, they are going to get an overflow due to
4 that. They are also going to get a lot of phone
5 calls from angry residents and that usually gets a
6 municipality to act.

7 MR. KANE: Is it more typical that
8 a line collapses and one gets a crack and sediment
9 builds up?

10 THE WITNESS: It usually builds up
11 with sediment. You will get grit in it and if you
12 don't clean it, an interceptor will slowly, the grit
13 will fill up from the bottom and reduce the cross
14 section of the pipe and the carrying capacity of the
15 line goes down.

16 MR. KANE: Thank you. Ken?

17 MR. RICHARDSON: From your
18 testimony, I am assuming that you don't view this
19 tank as a temporary thing. You see it more as a long
20 term.

21 THE WITNESS: I did not take a
22 detailed look at the technical design of the tank. I
23 mean I was just asked to talk about getting projects
24 done downstream. So I don't really know that much

1 about the design. I do know you have a competent
 2 engineer working on it and I have never found a
 3 quibble with his design in the past. But could it be
 4 a permanent fix? Sure. I think that's what I said.
 5 I think the best fix is to eliminate
 6 the I & I to start with. And there's a lot of
 7 activity to do that, but there is a lot of
 8 municipalities now, a lot of municipalities.
 9 There is a conclusion I think it was
 10 alluded to earlier that 50 percent of the I & I is
 11 coming from the person's house to the line in the
 12 street, and that really causes problems. As a former
 13 councilman, I know you are really going to have to
 14 think twice about telling people you are going to
 15 start inspecting their laterals and fix it for them
 16 and fine them if they don't do. Sometimes if I go
 17 back and think about the former behavior mode, I know
 18 why there is a reluctance.
 19 MR. RICHARDSON: Are there any
 20 other tanks that you are aware of, storage tanks?
 21 THE WITNESS: Built like this?
 22 MR. RICHARDSON: In this area.
 23 THE WITNESS: Not in this area.
 24 The City of Philadelphia proposed some as part of

1 their long-term control plan. They even proposed to
 2 bury them and people didn't want them.
 3 MR. RICHARDSON: You think in your
 4 opinion burying one would be a better idea?
 5 THE WITNESS: It didn't seem to
 6 help the Philadelphia Water Department get approval.
 7 MS. LABRUM: We will have a witness
 8 testify to that issue later, hopefully this evening.
 9 MR. RICHARDSON: Thank you. That's
 10 all I have got.
 11 MR. KANE: Ed Casilli?
 12 MR. CASULLI: No.
 13 MR. KANE: Ed Magargee?
 14 MR. MAGARGEE: I have one question.
 15 I am hearing a lot of numbers here. 22 million was
 16 the one that stood out in my mind. If everyone in
 17 the county put in a Cadillac version of an
 18 interceptor line and conveyed all of the sewerage and
 19 rainfall events without addressing the I & I issues,
 20 could DELCORA even handle that volume of water,
 21 sewerage?
 22 THE WITNESS: Ask the question
 23 again.
 24 MR. MAGARGEE: What is the

1 treatment capacity of DELCORA?
 2 THE WITNESS: We have a contract
 3 with the City of Philadelphia to do 50 million
 4 gallons a day. We have a plant that's rated at 50
 5 million gallons a day. So that can do 100 million
 6 gallons. We have about right now 20 million gallons
 7 of excess capacity. We are currently treating about
 8 70.
 9 MR. MAGARGEE: You said just the
 10 RHM line peaked at 20 million.
 11 THE WITNESS: When I say capacity,
 12 that's dry weather capacity.
 13 MR. MAGARGEE: That's what I am
 14 saying, if everybody built the interceptor line that
 15 we have been talking about here and got everything
 16 down the line without addressing the I & I, we would
 17 have an overflow somewhere I would think.
 18 THE WITNESS: You could obviously
 19 make the lines big enough that there is no overflow.
 20 MR. MAGARGEE: But your capacity at
 21 your plant, could it handle it?
 22 THE WITNESS: If you could get it
 23 there? Sure. Remember I said, when I said the
 24 plant's 50 million gallons, that's the dry weather

1 rating. That plant that we have in Chester during a
 2 rain event, it handles a combined sewer system. We
 3 will put 90 million gallons through it in one day and
 4 not miss permit.
 5 MR. MAGARGEE: Okay.
 6 THE WITNESS: Now, it gets costly.
 7 And in the City of Philadelphia because when we treat
 8 with the City of Philadelphia, we pay a unit cost.
 9 And the unit cost, if you double the flow, you double
 10 the amount. Plus, we play on peaks.
 11 Now, we got fined, Delaware County,
 12 and this time we are going to allocate all those
 13 costs back. During these rain events where you had
 14 overflows, we exceeded 75 million gallons to the City
 15 of Philadelphia. Remember, that dry weather flow was
 16 30. During that rain event it went to 75. That's
 17 because all the peaks coming from everyone in eastern
 18 Delaware County went over 75.
 19 If we exceed 75 for a day, we pay a
 20 fine of, for every million gallons, it is I think
 21 about \$9,000 a million gallons against the standard
 22 treatment rate of about 12 or 100 or so.
 23 MR. MAGARGEE: The southwest plant
 24 doesn't have a CSO there for overflows?

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1 THE WITNESS: It handles CSOs
2 throughout the city, yeah. It has a plant -- you
3 are talking a plant design now. A plant that is
4 designed for a combined sewer system usually has a
5 higher hydraulic capacity and a higher wet weather
6 handling capacity than a plant that's designed for a
7 non-combined sewer system.

8 But typically the design even of a
9 plant for dry flow, it will be a factor of two. If
10 the dry flow is 50 million gallons, usually the
11 hydraulic capacity of virtually everything there will
12 be twice that, if not more.

13 MR. MAGARGEE: But your peak will
14 be even more?

15 THE WITNESS: Could be, yeah.

16 MR. MAGARGEE: Thank you.

17 MR. CASULLI: Do you know of any
18 SSOs in the Darby creek interceptor lanes?

19 THE WITNESS: I know we have had
20 them at the plant.

21 MR. CASULLI: How about in the
22 lines?

23 THE WITNESS: I think there's been
24 some in the line. I don't have any direct knowledge

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1 of it, of a particular instance.

2 MR. CASULLI: Do you know who
3 would?

4 THE WITNESS: You have to get
5 D.E.P. would if it was reported.

6 MR. CASULLI: Okay, thanks.

7 THE WITNESS: You know, I am trying
8 to get you to understand something. I mean I have
9 this problem at the pump stations and you know where
10 I look? Upstream. Not my problem. I have enough
11 pumping capacity there that I can pump anything that
12 you put in those pump stations.

13 The problem is the lines aren't big
14 enough and it overflows the wet wells. Sometimes it
15 gets that bad. So where is that water coming from?
16 That's coming from all the upstream communities that
17 have these high peaking factors.

18 So really long-term, we have to do
19 something about I & I. Now, our approach to it was
20 to make it financially painful; that is, allocate
21 costs on the basis of what your flow actually is.
22 And I am going to argue that we are going to allocate
23 any penalties that way as well. That if we get
24 penalties from Philadelphia or fines, because of

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1 excess flow, I only want to allocate that cost back
2 to those municipalities that have high exceedances
3 and those who don't have high exceedance won't pay
4 anything. I don't know any other way to get through
5 to people. Maybe their pocketbook might do it
6 because if you don't have that, they just won't
7 listen.

8 And, look, municipalities, they are
9 worried about cop cars and open space and libraries
10 and all the police, all the things that
11 municipalities keep in the air. No one worries about
12 sewers. Flush the toilet; it goes away, and that's
13 the attitude. I mean maybe that's because we have
14 done too good of a job.

15 Look, I'm not faulting the
16 councilmen. I know what they go through. I did it
17 myself. It is not an easy job. I mean you have lots
18 of constituents that you are trying to satisfy and
19 there is never enough money to go around.

20 MR. KANE: Any other questions?
21 (No response.)

22 MR. KANE: Thank you very much, Mr.
23 Salvucci.

24 MS. LABRUM: We would call Wilfred

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1 Gomez. Housekeeping, I will mark these Exhibit A-15
2 will be the RHM flow for the year October 2008
3 through October 2009.

4 And Exhibit A-16 will be the RHM
5 flow rain event for December 11th through December
6 12, 2008.

7 (Whereupon, Exhibits A-15 and A-16
8 were marked for identification.)

9 ---

10 WILFREDO GOMEZ,
11 having been first duly sworn, according to law, was
12 examined and testified as follows:

13 ---

14 MR. KANE: Please state your full
15 name.

16 THE WITNESS: Wilfredo Gomez, 1056
17 Squire Cheney Drive, West Chester, Pennsylvania,
18 19382.

19 DIRECT EXAMINATION

20 BY MS. LABRUM:

21 Q. Mr. Gomez, we have marked as
22 Exhibit 8 your curriculum vitae. Is that a
23 current --

24 A. Yes, it is.

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1 Q. -- C.V. of yours?
2 Can you tell the Board your
3 educational background?
4 A. I have bachelor's of science in
5 chemical engineering from the University of San
6 Agustin in the Philippines. And I have taken
7 graduate courses in wastewater engineering over at
8 Villanova University; pollution control at Brooklyn
9 Polytechnic Institute in New York.
10 Q. Can you tell us the states in which
11 you are licensed as a professional engineer.
12 A. Pennsylvania, New Jersey, Maryland,
13 Delaware, Ohio, Illinois and Virginia.
14 Q. I know your C.V. covers it
15 extensively, but can you give us a little bit of
16 background on your professional career. First, you
17 worked for the United States Government?
18 A. Yes. I have been in the consulting
19 engineer field for over 40 years. I have done work
20 for the Delaware Army National Guard for the Aberdeen
21 Proving Grounds, for Edgewood Arsenal for the Army
22 Corps of Engineer.
23 My involvement over at both Aberdeen
24 and Edgewood Arsenal are for source of wastewater

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1 flow survey actually in their labs and all the other
2 systems for the design of a wastewater treatment
3 system.
4 I have done work over for U.S. aid
5 in Costa Rica for the -- to train their Department of
6 Energy engineer on energy conservation. So it was a
7 data collection for all various industries, and I
8 guess analysis, cost benefit analysis and also
9 implementation of projects that are good investments.
10 Q. Have you done work --
11 A. I have done work for NASA also on
12 resource recovery facilities over at Kennedy,
13 Johnson, and Goddard.
14 Q. Have you done work with specialized
15 wastewater treatment plants?
16 A. Yes, for several industries; Wyeth,
17 which is now Pfizer over in Brazil, in Mexico, and I
18 guess the defunct one over in West Chester. I have
19 done work for Hoffman McNeil labs on wastewater
20 systems.
21 Q. Have you done any projects involving
22 odor controls?
23 A. Oh, yes, quite a bit, especially on
24 what we call the groundwater remediation pump

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1 systems. Especially, for I guess organic
2 contaminants on groundwater. We call it pump and
3 treat. You pump, extract groundwater out, and run it
4 through air strippers where you would run them, the
5 air portion, through carbon absorption filters to
6 remove all the organic contaminants and then the
7 wastewater site also in liquid phase carbon submerse.
8 Q. Have you worked on any Superfunds
9 sites?
10 A. Yes, some of the Superfund sites and
11 I guess one of the largest ones we have is for Ciba
12 over in Toms River. I think that's a seven-year
13 project. And it is actually mostly excavating soils
14 because they already have in place their pumping
15 station, which we are not involved with, but, again,
16 we would be extracting or I would say running all the
17 -- any air that we extract through the treatment
18 systems through carbon absorbers and also biofilters.
19 Q. Are you familiar with the design of
20 sewerage conveyance systems?
21 A. Yes, I have been involved in several
22 wastewater collection and treatment systems,
23 including pump stations. For example, 18 million
24 gallons per day and 36 million gallon per day of

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1 advanced water treatment for De Kalb County, Georgia;
2 18 million gallons per day wastewater treatment
3 system for a paper company in Maine; and several
4 small wastewater treatment systems for counties and
5 some other municipalities.
6 Q. Have you had the opportunity to
7 review any documents in preparation for your
8 testimony today?
9 A. Yes. Just a couple of books that
10 normally is referred to by engineers.
11 Q. What are those books?
12 A. Wastewater Collection Treatment
13 Reuse by Metcalf and Eddy.
14 Q. Did you have the opportunity to
15 review the transcript of the hearing of November
16 the 5th?
17 A. Yes. And I think one of the
18 concerns there was odor.
19 Q. Yes. Is it possible to construct
20 this proposed tank so that it will have no odor
21 either for --
22 MR. MALONE: Kathy, if I can stop
23 you, I assume by your questioning with the C.V. you
24 have in front of him that you intend to offer Mr.

1 Gomez as an expert. We do have another party of
2 interest here who I believe would have some
3 questions, and I typically would have some questions
4 as well for any witnesses to clarify, you know, the
5 level of the expertise. But before we get into the
6 case in chief, I would ask Mr. Byrne if he has any
7 questions.

8 MR. BYRNE: I think just a couple.

9 What are we offering him as an expert for?

10 MS. LABRUM: The wastewater
11 treatment plant. He is going to testify on two
12 issues: The odor controls and the systems that will
13 be necessary to make it odor free, and the capacity,
14 the Rule 3 safety capacity.

15 MR. BYRNE: I just have one or two
16 questions to follow up.

17 VOIR DIRE EXAMINATION

18 BY MR. BYRNE:

19 Q. You talked about reviewing some
20 documents in preparation for coming here tonight.
21 Have you done work on storage facilities similar to
22 what we are talking about here?

23 A. I wouldn't say not necessarily
24 storage facility, but we call flow equalization on

1 the site of wastewater treatment systems where we can
2 see the peak flow.

3 Q. I probably used the wrong term, but
4 have you worked on projects similar to the project
5 that we are talking about here today?

6 A. Not specifically for SSO.

7 Q. Have you worked on odor control in
8 connection with any project similar to this, maybe
9 not the same type of project?

10 A. Yes.

11 Q. Can you tell us a little bit about
12 that?

13 A. Some of the odor controls that we
14 have on wastewater treatment -- on wastewater
15 system, for example, we would treat them either with
16 chemical treatment or with carbon, depending on where
17 the source would be.

18 Q. I wasn't really asking you so much
19 how would you do it, but where you would do it, what
20 other examples?

21 A. One would be the pharmaceutical
22 plant over in Mexico. It is for Pfizer. So we use
23 chemical treatment there for odor control, but it is
24 a convenience process. It's not the batch or

1 intermittent process that we are talking about here.

2 The other systems would be as I said
3 would be on air strippers and similar systems. It is
4 similar because we are taking air that's coming out.

5 Q. Air strippers like at a restaurant
6 or something?

7 A. No. Big towers where we blow air
8 in; contaminated air is vented out and treat that
9 through a carbon absorption system.

10 MR. BYRNE: Thank you. That's all
11 the questions I have.

12 MR. MALONE: Mr. Gomez, just a
13 quick point of clarification. You indicated you took
14 some graduate classes at Villanova and Brooklyn
15 Polytechnic Institute. You don't hold a degree from
16 either of those entities?

17 THE WITNESS: No, I do not.

18 MR. MALONE: Are you aware of
19 whether either of those entities provide a degree
20 with regard to either wastewater treatment or air
21 pollution control?

22 THE WITNESS: Yes, they do.

23 MR. MALONE: What was the extent of
24 the classes you had at Villanova regarding wastewater

1 treatment?

2 THE WITNESS: It's on wastewater
3 collection treatment and disposal. In fact, that's
4 one of our textbooks was the Metcalf and Eddy.

5 MR. MALONE: You understand the
6 questions I typically ask you, you mention and I see
7 in your C.V. you are registered as a professional
8 engineer in seven states.

9 THE WITNESS: Seven states.

10 MR. MALONE: Is that licensure or
11 registration current and up to date?

12 THE WITNESS: I have -- it is all
13 current except one -- I believe it is Ohio -- where
14 I have what they call inactive because I haven't done
15 any projects in the area for awhile.

16 MR. MALONE: Your Ohio wasn't taken
17 from you or suspended due to any of your actions?

18 THE WITNESS: Oh, no.

19 MR. MALONE: It's solely your
20 choice?

21 THE WITNESS: It is a choice that
22 they give you.

23 MR. MALONE: I assume I know the
24 answer to this, but for the other six, am I correct,

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1 that your licensure in the other six states has not
2 been revoked or suspended due to any performance of
3 your duties?
4 THE WITNESS: That's correct, they
5 are all active.
6 MR. MALONE: Have you ever
7 testified as an expert before a zoning board such as
8 this in the past?
9 THE WITNESS: No.
10 MR. MALONE: Have you ever been
11 accepted to testify as an expert in a court, state or
12 federal?
13 THE WITNESS: Not in any court.
14 MR. MALONE: That's all the
15 questions I have.
16 MS. LABRUM: We would offer Mr.
17 Gomez as an expert in engineering.
18 MR. MALONE: As a professional
19 engineer.
20 BY MS. LABRUM:
21 Q. Mr. Gomez --
22 MR. MALONE: Just one second. My
23 advice would be that, absent objection from Mr.
24 Byrne, that Mr. Gomez's educational experience and

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1 experience does permit him to be admitted as a
2 professional engineer.
3 I did not hear an offer for any
4 particular subspecialty, so it would be as a general
5 engineer would be my advice.
6 MR. KANE: If there is no objection
7 from any of the Board members, then that's how we
8 will move forward.
9 Go ahead, Kathy.
10 BY MS. LABRUM:
11 Q. In response to Mr. Byrne's question,
12 you said you had never done an SSO holding tank?
13 Have you ever done holding tanks for sewerage
14 wastewater?
15 A. Yes, we call it flow equalization
16 tanks.
17 Q. So the flow equalization tank that
18 you have designed is simply to hold the water?
19 A. During peak flows.
20 Q. During peak flows and then release
21 it?
22 A. And release it into a treatment
23 system at a more uniform rate so that the treatment
24 system could be operated properly and more uniformly.

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1 Q. If this tank is constructed as
2 planned, will it not also essentially be a holding
3 tank to release sewerage water when the peak flow is
4 down?
5 A. Yes, that's correct. As long as the
6 pump stations and all the other systems are designed
7 for the peak flow.
8 Q. You had an opportunity to hear Mr.
9 Reardon testify about the SSOs that have been
10 occurring and you saw the testimony of Mr. Williams
11 from November the 5th that he was using a safety
12 factor of three and arriving at a holding tank design
13 of 1.5 million gallons.
14 Do you have an opinion as to, in
15 your design expertise for such holding tanks, whether
16 a factor of three and a holding tank of 1.5 million
17 gallons is a reasonable design?
18 A. Well, it is because peaking factors
19 usually would vary on design from about two to four,
20 2.753. We use peaking factor of three, but if
21 possible, if everything else permits, then four would
22 be a better choice for peaking factor, but three is
23 kind of a norm in the industry.
24 And looking at this flow SSO here,

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1 during 3/13, the total volume is 1.28 million
2 gallons. Then the proposed tank 1.5 would have
3 contained the SSO. And with all the flows that's
4 been recorded, you never would have an SSO.
5 Q. Looking at Exhibit 6, which lists
6 all the SSOs for 2009 and 2010, if this holding tank
7 was constructed as requested, would any SSOs have
8 occurred in the RHM service area in 2009 or 2010?
9 A. No. It would have contained it all
10 because of the 1.5 million gallon capacity.
11 Q. Your testimony that a safety factor
12 of three to four, that you would utilize a safety
13 factor between three and four for this project, is
14 that safety factor based on a reasonable degree of
15 engineering certainty? And what are the factors?
16 A. It's a guideline. For example, you
17 have a per capita flow from each dwelling of 75 to
18 100 gallons a day, but then you design for up to
19 400 gallons per day. So you are talking about
20 peaking factor of four, right. The interceptors are
21 not designed for that much peaking factor because of
22 the high capacity that they have, but then looking at
23 the SSO that they have here and the data that's been
24 collected, the peaking factor of three would be a

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1 reasonable engineering design peaking factor.
2 Q. At page 110 of November 5, 2009
3 transcript, board members inquired about the use of a
4 telescoping tank rather than a hard framed tank. Is
5 there a reason that a telescoping tank would not be a
6 better choice for this?
7 A. That's a misnomer. It is not a
8 telescoping tank. It appears to be a telescoping
9 tank but it is actually a floating tank cover with
10 fixed walls. This is used quite a bit to contain
11 refinery products. It floats. That's why some
12 people who see the tank cover up and they think it's
13 telescoping tank, but the side walls themselves are
14 fixed. It is the cover that moves up and down to
15 prevent any volatiles from being I guess produced in
16 that air space.
17 Q. Can you provide the Board with a
18 little background on the chemical process that would
19 create odors from raw sewerage?
20 A. Your odors comes from mostly a
21 rotten egg smell which is normally when there is
22 anaerobic activity in sewerage. If you have enough
23 air or oxygen or chemicals, then you certainly won't
24 have any odors.

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1 The septic sewerage conditions occur
2 when you don't have air and then you start to produce
3 methane and hydrogen sulfide, which is the final
4 product which is what is causing a rotten egg smell.
5 Q. What kind of odors could be expected
6 from the proposed tank if no state-of-the-art methods
7 were employed?
8 A. It would probably be a faint odor
9 because it is not 100 percent sewer. It is diluted
10 sewer because of the storm water. So the odor won't
11 be as much. You will get more odor from opening up a
12 manhole when you try to service it because most of
13 the manholes here have been stagnant for a while and
14 you probably have an anaerobic composition there
15 already. So you have that strong smell, which is a
16 rotten egg smell.
17 Q. If Radnor Haverford Marple used
18 state-of-the-art methods for controlling odors in the
19 tank, what would those state-of-the-art methods be
20 and could those state-of-the-art methods completely
21 control odor coming from the tank?
22 A. Oh, definitely. The
23 state-of-the-art would be either by carbon absorption
24 or chemical addition. Carbon absorption would be

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1 what would be recommended for this system because of
2 an intermittent use. It's not continuous flow. You
3 use it very occasionally.
4 On continuous flow treatment
5 systems, then you have either aeration or oxygen,
6 oxygenation, chemical addition, precipitation or even
7 combustion.
8 MS. LABRUM: Are you having trouble
9 hearing Mr. Gomez? The audience would you like you
10 to speak.
11 BY MS. LABRUM:
12 Q. There was some discussion if the
13 tank was required, if RHM due to some unusual weather
14 was required to keep the overflow in the tank for up
15 to a week, would it be possible using the
16 state-of-the-art odor controls to prevent any odors
17 escaping from that tank?
18 A. Yes. I would say that the tank
19 should be designed, the vent for those tanks should
20 be designed with the carbon absorption system. That
21 way then any of the methane that will be produced, if
22 septic conditions occur, would be absorbed as well as
23 the hydrogen sulfide. So that there won't be any
24 smell that will be coming out. You test the tank

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1 properly -- when I say properly, that you change over
2 the carbon.
3 Q. Replace the filters?
4 A. Replace the carbon with fresh
5 activated carbon so that you don't have a break-
6 through.
7 Q. Would that system also address the
8 build-up of methane gas?
9 A. Yes. It will collect any methane
10 gas that will be produced during septic conditions.
11 And that can occur only if, again, if we have an
12 anaerobic bacteria spreading in the tank.
13 Q. If after construction using this
14 state-of-the-art methods that you are discussing and
15 there was a smell, would it be possible to retrofit
16 this tank?
17 A. Oh, yeah, you could always add
18 additional volume of carbon or add an additional
19 carbon absorber which is very easily fitted into the
20 system.
21 Q. Is it your opinion, to a reasonable
22 degree of engineering certainty, that RHM could
23 prevent any smells from escaping from the tank even
24 as close as ten feet?

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1 A. Yes, well, with that carbon system.
2 UNIDENTIFIED MEMBER OF THE
3 AUDIENCE: How big a carbon system?
4 MR. MALONE: Excuse me, you will
5 have an opportunity and if necessary, in response to
6 your questions, if they can't answer, you could
7 request that the witness be recalled. But for the
8 purpose of having it properly on the record, you
9 haven't been identified on the record and this Board
10 has to identify each individual.
11 Counsel for RHM does have the option
12 to address this case and proceed in her manner and
13 you will, as I indicated earlier, have that
14 opportunity. I guarantee you that.
15 BY MS. LABRUM:
16 Q. One last question.
17 MR. MALONE: But at the last time,
18 really, Kathy, if you could, if you heard the
19 question, you probably want to do it now. You know
20 it is coming. You may as well do it now so you can
21 save the cost of bringing him back again.
22 MS. LABRUM: I didn't even hear the
23 question.
24 MR. CASULLI: It was how big is the

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1 carbon filter required to be?
2 BY MS. LABRUM:
3 Q. How large will the carbon filters be
4 required to be if the tank is 1.5 million gallons?
5 A. It has to be based on what
6 wastewater characteristics would be. I don't have
7 the answer right now, but knowing what the air flow
8 would be, plus the wastewater characteristic and
9 chemical composition and project the production of
10 hydrogen sulfide, methane and other organics that may
11 be in the wastewater, then it could be designed
12 properly for that.
13 You are talking about going into
14 design now, but it could be designed. And we have
15 designed systems to take care of any contaminants
16 that will be coming out of vent or exhaust systems.
17 Q. Was your opinion on a safety factor
18 of three to four an opinion based on a reasonable
19 degree of engineering certainty?
20 A. Yes.
21 MS. LABRUM: I have no further
22 questions.
23 MR. KANE: Mr. Byrne?
24 CROSS EXAMINATION

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1 BY MR. BYRNE:
2 Q. Sir, did you prepare any type of
3 report in connection with your testimony here
4 tonight?
5 A. No.
6 Q. Can you tell us what it was that you
7 reviewed in order to formulate these opinions that
8 you have?
9 A. Just the wastewater Metcalf and Eddy
10 thing for the peaking factor and also just to make
11 sure that I have the right figures is the PA manual.
12 Q. What about there's been a mention
13 about several questions that said if it is built to
14 state-of-the-art design. What does that mean? What
15 does state-of-the-art design mean?
16 A. Well, it is actually
17 state-of-the-art, there are actually proven
18 technologies that we use for controlling odor.
19 Q. Do we know what proven technologies
20 we are talking about using on this facility?
21 A. As I mentioned earlier, it would be
22 a carbon absorber because of the nature of the use of
23 the tank.
24 Q. But you don't know how large of a

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1 system we would need for this tank?
2 A. No, there aren't any calculations at
3 this time or sizing at this time.
4 Q. So we don't know what the size of
5 the system would be, but we know that there wouldn't
6 be any smell?
7 A. That's correct.
8 Q. And we don't -- you said if the
9 system -- could the system fail? Could the carbon
10 absorption?
11 A. When you say fail, it would be a
12 break-through. Once all the carbon bed, I would say
13 the way the carbon is used up, then you will have a
14 smell. But then you will have projections based on
15 expected contaminants as to when you change it over.
16 You don't wait for it to break through. You change
17 it over before that.
18 Q. You didn't do any of those studies
19 of that either, did you?
20 A. Not for this. But we have done it
21 on projects where we are using carbon absorbers.
22 Q. But for this facility here we don't
23 know, you didn't do any calculations for this
24 facility here?

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1 A. No.
2 Q. You mentioned that if -- you had
3 mentioned about something about if there were no, I
4 think the question was, state-of-the-art design used,
5 would there be an odor and I think you said there
6 would be a faint odor. What does a faint odor mean?
7 A. It would be less than what you would
8 smell opening up a manhole.
9 Q. So if we had an SSO of the size that
10 we talked about on March 31st and all those gallons
11 of wastewater or sewerage went into that tank, it
12 would be less of a smell than if we opened a manhole?
13 A. Because you are not talking about
14 raw sewerage. You are talking very diluted sewerage.
15 Q. But did you do any calculations on
16 how diluted the sewerage would be?
17 A. No.
18 MR. BYRNE: That's all I have.
19 Thanks.
20 MR. KANE: This may have already
21 been asked, but are you familiar with any tank
22 similar to this tank used for this purpose anywhere
23 in the state of Pennsylvania or anywhere?
24 THE WITNESS: I think we were

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1 talking about that and Lance can answer that.
2 MS. LABRUM: We can describe it for
3 you.
4 MR. KANE: Have you seen it?
5 THE WITNESS: Only in planning. I
6 haven't seen one installed. But again not for an
7 SSO. It is for flow on wastewater treatment systems
8 that it's built in already.
9 MR. KANE: I am sorry. I don't
10 mean to be rude, but I didn't understand your answer.
11 THE WITNESS: I haven't seen a tank
12 that's built specifically for an SSO.
13 MR. KANE: Okay.
14 MS. LABRUM: I think Mr. Gomez's
15 earlier testimony is he has designed and built tanks
16 that are geared to always hold excess flow and hold
17 it just for a stated period of time until the flow
18 goes down, but never one that was built only to be
19 used to prevent sanitary sewer overflows.
20 MR. KANE: This design of tank,
21 have you seen this design of tank installed anywhere
22 else?
23 THE WITNESS: I have not seen, but
24 I have seen, for example, this proposed system here.

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1 MR. KANE: The brochure for it you
2 mean?
3 THE WITNESS: No. For Manayunk.
4 One of the other guys could describe it. They have
5 seen some tanks used for it.
6 MS. LABRUM: We have again an
7 employee of Dutchland who is the contractor which
8 will be building the tank here to talk about the tank
9 itself.
10 MR. KANE: Ken? We are only going
11 to go a few more minutes. I am going to let the
12 residents talk that are here tonight. Go ahead, Ken.
13 MR. RICHARDSON: You stated that
14 you have some experience with flow equalization?
15 THE WITNESS: Yes, right.
16 MR. RICHARDSON: And we are talking
17 about a holding tank. What's the difference between
18 a flow equalization tank and a holding tank?
19 THE WITNESS: It is actually
20 similar. It's terminology. Actually a holding tank,
21 you would hold a certain volume of water and bring it
22 through the system and which serves -- the flow
23 equalization serves the same purpose because you try
24 to equalize the flow through your wastewater system

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1 so it is more uniform.
2 MR. RICHARDSON: They are enclosed
3 also?
4 THE WITNESS: Some are enclosed;
5 some are open. If you provide aeration on those
6 tanks, then most of them are open because then you
7 don't have septic conditions.
8 MR. RICHARDSON: So most of your
9 experience would be with the open tanks?
10 THE WITNESS: Yes.
11 MR. RICHARDSON: And the odor
12 control of an open tank is different than a closed
13 tank?
14 THE WITNESS: No. There is no per
15 se odor control associated on an open tank because
16 you are preventing odor by using air. So you aerate
17 the holding tank. You don't let stay stagnant to
18 become septic. You don't want to do that.
19 On enclosed systems, for example, on
20 as I said air strippers and stuff like that, it is
21 all enclosed. So you contain any air release that
22 you have and also your liquid and the carbon
23 absorption system, liquid phase and gas phase carbon
24 absorbers.

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1 MR. RICHARDSON: Your experience on
2 an open tank compared to a closed tank system, how
3 much open tank experience do you have versus --
4 there is no odor with an open tank, so we don't need
5 to talk about that. How much closed tank odor
6 control experience do you have?
7 THE WITNESS: Oh, boy, we have
8 probably at least eight Superfund sites. When you
9 say tank treatment systems, we are talking air
10 strippers. That's where we vent. We force all the
11 organic contaminants to be evaporated or carried over
12 with air and then you treat that.
13 MR. RICHARDSON: These are
14 Superfund sites?
15 THE WITNESS: Yes.
16 MR. RICHARDSON: That's chemical
17 odors?
18 THE WITNESS: Because organics,
19 yes.
20 MR. RICHARDSON: Not too much
21 sewerage?
22 THE WITNESS: Well, the sewerage
23 odor would be coming from your hydrogen sulfide,
24 which is also captured by the same carbon systems and

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1 also your methane is captured with the same system.
2 MR. RICHARDSON: When you capture,
3 when you say you capture the methane if there is
4 methane --
5 THE WITNESS: Yes.
6 MR. RICHARDSON: --what happens to
7 it?
8 THE WITNESS: Because it would
9 adhere into the carbon. And then somebody else would
10 regenerate the carbon or which is the cheaper way.
11 Like, for example, carbon filter manufacturer would
12 take that used carbon and then regenerate that in
13 their facility and replace it with a new carbon.
14 That's ready for use before any odor escapes.
15 When you design it, you design it
16 for using up the volume for usually about 75 to
17 80 percent. You don't use up the carbon for 100
18 percent; otherwise, you will have odor coming out.
19 So on expectancy use of that carbon, then they take
20 them out and regenerate them in their facilities and
21 bring in a new carbon for tank.
22 MR. RICHARDSON: These systems
23 would be inside the tank?
24 THE WITNESS: Oh, yes, they are all

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1 contained.
2 MR. RICHARDSON: It is in the tank?
3 THE WITNESS: It is in the tank.
4 MR. RICHARDSON: Does that affect
5 the volume of the tank at all?
6 THE WITNESS: It affects the volume
7 of the tank based on the concentrations of your
8 chemicals, of your contaminants. So you design that.
9 It could be a three-foot diameter tank or four-foot
10 depending on how much contaminants you have and how
11 much air flow you have.
12 MR. RICHARDSON: Do you have any
13 experience with the tank manufacturers? Do you know
14 who manufactures?
15 THE WITNESS: Oh, yeah, Calcon, for
16 example, makes them.
17 MR. RICHARDSON: Is there one or
18 two?
19 THE WITNESS: There are several.
20 MR. RICHARDSON: Are they all the
21 same?
22 THE WITNESS: Yes.
23 MR. RICHARDSON: Everybody makes
24 the same tank?

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1 THE WITNESS: Very, very, it is
2 very easily obtainable commodity or unit. You design
3 it for a certain flow rate and certainly to the
4 contaminants you are trying to capture.
5 Q. Is there an optimal shape tank?
6 THE WITNESS: Usually they are
7 cylindrical and maybe 2 to 1 ratio, 3 to 1 ratio
8 diameter versus height.
9 MR. RICHARDSON: If it is not
10 cylindrical does it affect their performance?
11 THE WITNESS: No. Some of them are
12 rectangular, but the cheaper way to make tanks is
13 cylindrical configuration.
14 MR. RICHARDSON: That's all I have.
15 MR. CASULLI: You mentioned that
16 the design factor, best design factor is three?
17 THE WITNESS: Yes.
18 MR. CASULLI: And you said that the
19 proposed project has a design factor of three and a
20 1.5 million gallon tank?
21 THE WITNESS: Yeah, based on the
22 500 --
23 MR. CASULLI: You say -- go ahead.
24 THE WITNESS: Based on the average

1 I guess the design that they have or date, half a
2 million gallons, then with a three design factor,
3 then you end up with a 1.5 million gallon tank.

4 MR. CASULLI: Right. You mentioned
5 that the March 13th event where 1,280,000 gallons of
6 water would have went into the proposed tank.

7 THE WITNESS: Yes.

8 MR. CASULLI: And we wouldn't have
9 had an SSO at the time?

10 THE WITNESS: Yes, right.

11 MR. CASULLI: Going forward, how
12 long will this tank be able to accommodate these type
13 of events before we would have another SSO?

14 THE WITNESS: This tank would be
15 bled a certain rate. Once the flow recedes, then it
16 will pump back into your system.

17 MR. CASULLI: No, a year from now
18 or two years from now we get an SSO, how long would
19 it take before another SSO would occur?

20 THE WITNESS: Depends on the rain
21 event.

22 MR. CASULLI: Let's say it is the
23 same rain event.

24 THE WITNESS: Well, you have three

1 or four SSOs here. Five SSOs here in four months.

2 MR. CASULLI: If we had this tank,
3 this proposed tank and the same rain event.

4 THE WITNESS: You won't have any
5 SSO.

6 MR. CASULLI: How about a year from
7 now, would we have any SSOs?

8 THE WITNESS: No, because --

9 MR. CASULLI: I got it. How about
10 five years from now if we had these same rain events?

11 THE WITNESS: No.

12 MR. CASULLI: If we go to Exhibit
13 A-15, this is the average flow rate of the system and
14 the flow rate at the beginning of the year of
15 October 2008 was about seven million gallons per day
16 and on the right side of the exhibit, which is
17 October 2009, one year later, it is indicating
18 approximately seven and a half million gallons per
19 day average. So that's almost 500,000 gallons more
20 in just one year.

21 So if we have this average of
22 500,000 gallons more a year and the same rain event,
23 you are already exceeding your three times design
24 factor.

1 THE WITNESS: That flow --

2 MS. LABRUM: I have an objection to
3 that question. Mr. Gomez has not seen that and
4 that's just a yearly average and it goes round and
5 round. The testimony --

6 MR. MALONE: We will show it to
7 him.

8 MS. LABRUM: The testimony
9 previously is that we have metered it.

10 MR. MALONE: Let's see if we can
11 cure part of the objection with this. I understand
12 that you might have an argument as to it, but if he
13 hasn't seen it, let's address that first and go from
14 there. This is your evidence.

15 THE WITNESS: These are flows from
16 rain events. These are not, this doesn't show
17 whether we have an SSO or not.

18 MR. CASULLI: Mr. Reardon provided
19 that document, if he can explain.

20 MR. REARDON: No.

21 MS. LABRUM: This is from Mr.
22 Salvucci.

23 MR. CASULLI: The other document he
24 gave was Exhibit A-16.

1 MS. LABRUM: Is one day, one
2 24-hour period.

3 MR. CASULLI: You are saying this
4 is not the average flow of the system, the dry
5 system?

6 MS. LABRUM: This is RHMs from
7 October to October. That's a one-day picture of this
8 chart.

9 MR. CASULLI: I understand that,
10 but you are saying it rained every day?

11 MS. LABRUM: We have an engineer
12 P.J. Close who can explain this exhibit to you.

13 MR. CASULLI: I will wait.

14 MS. LABRUM: But if you have any
15 other questions for Mr. Gomez.

16 MR. MAGARGEE: No further
17 questions.

18 MR. KANE: Ken, do you have any
19 other questions?

20 MR. RICHARDSON: No.

21 MR. KANE: Ed?

22 MR. CASULLI: No.

23 MR. MAGARGEE: No.

24 MR. KANE: Mr. Byrne?

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1 MR. BYRNE: Just two questions, I
2 think.
3 RECCROSS EXAMINATION
4 BY MR. BYRNE:
5 Q. Are you familiar with how this tank
6 would be cleaned after an SSO?
7 A. They are going to hose it down.
8 Q. Would there be not smells associated
9 with the cleaning of the facility?
10 A. There will be some smell, but then
11 we will have an exhaust fan, we could get an exhaust
12 fan to run so that we are using air flow instead of
13 coming out into carbon filter.
14 Q. Are you familiar with the character
15 of the neighborhood where this facility is going to
16 go?
17 A. I have seen pictures of it.
18 Q. Have you ever worked on a facility
19 that was located in as close a proximity to
20 residential neighborhoods as this?
21 A. Not in the proximity.
22 MR. BYRNE: That's all I have.
23 (Whereupon, a discussion was held
24 off the record.)

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1 ---
2 MICHAEL J. BROWN,
3 having been first duly sworn, according to law, was
4 examined and testified as follows:
5 ---
6 MR. KANE: Please state your name
7 and purpose of your testimony tonight for the record.
8 THE WITNESS: Michael Jason Brown.
9 Do you need my address?
10 MR. MALONE: Office address.
11 THE WITNESS: 160 Route 41, Gap,
12 Pennsylvania, 17537 and I'm here representing
13 Dutchland, Incorporated who is the basis of design
14 for the concrete free-stress holding tank.
15 DIRECT EXAMINATION
16 BY MS. LABRUM:
17 Q. Could you briefly describe for the
18 Board what Dutchland, your employer's expertise is?
19 A. Dutchland, Incorporated
20 manufactures, engineers, manufactures and installs
21 prestressed concrete storage tanks for the water and
22 wastewater market.
23 Q. You have heard questions from the
24 Board already this evening asking if anyone is aware

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1 of any tanks similar to the one proposed by RHM?
2 A. Yes.
3 Q. Are you aware of any?
4 A. I am aware of quite a few tanks that
5 are being utilized or designed or currently under
6 construction for purposes very similar to that which
7 the Authority is experiencing.
8 Q. Can you describe the different tanks
9 that you are aware of?
10 A. You know, majority of the tanks that
11 I am seeing, you know, coming through design at this
12 phase are CSO tanks. There have been one or two SSO
13 tanks that I am aware of.
14 Q. Just stop you for one moment.
15 Explain to the Board the difference between a CSO
16 tank and an SSO tank?
17 A. A CSO tank is basically a combined
18 sewer system that is experiencing overflows during
19 wet weather events.
20 An SSO would be a sanitary sewer
21 flow where there is not a combined storm sewer and
22 sanitary sewer sharing the same.
23 Q. You said you are more familiar with
24 CSO tanks. Can you describe for the Board any CSO

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1 tanks you are familiar with either in the design,
2 planning or construction phase?
3 A. There are several up in the
4 Williamsport area. There are currently, you know,
5 out to bid or in design approximately 20 million
6 gallons of storage in Butler, Pennsylvania. That's
7 western Pennsylvania. That's separated through five
8 separate tanks ranging from three to five million
9 gallons each.
10 There's several tanks in Manayunk
11 that are currently in the final design phase that
12 should be bidding and under construction relatively
13 soon from what I understand.
14 Q. We have marked as Exhibit 11 the
15 website and tanks from the Manayunk project.
16 MR. MALONE: Let's take a step back
17 here. I think we are off on numbers. A-11 was the
18 map of service area that Mr. Reardon looked at.
19 A-12 was the map of the DELCORA
20 lines from Haverford to the end point. I think A-13
21 is open because A-14 was the D.E.P.
22 MS. LABRUM: Arlene is correct. It
23 is 13.
24 MR. MALONE: How do you want to

<p style="text-align: right;">Page 113</p> <p>1 identify this?</p> <p>2 MS. LABRUM: A-13, the proposed</p> <p>3 tanks for the Manayunk CSO tanks.</p> <p>4 BY MS. LABRUM:</p> <p>5 Q. Can you describe for the Board what</p> <p>6 the purpose of these CSO tanks which are proposed to</p> <p>7 be in the recreational areas of downtown Manayunk</p> <p>8 are?</p> <p>9 A. They would be designed and</p> <p>10 constructed to eliminate sewerage overflows during</p> <p>11 wet weather events, you know, based on their combined</p> <p>12 sewer system.</p> <p>13 Q. Are you aware of the size of the</p> <p>14 proposed tank for the Manayunk project?</p> <p>15 A. I am aware that the maximum capacity</p> <p>16 that they are looking at is five million gallons.</p> <p>17 The tank size is due to range, so I am -- I have not</p> <p>18 seen any details concerning the civil drawings from</p> <p>19 the engineer generating those, but it is something</p> <p>20 that we are pursuing, but I haven't seen those yet.</p> <p>21 Q. Other than the Manayunk tank, are</p> <p>22 you aware of any other CSO tanks or SSO tanks?</p> <p>23 A. Yeah, like I said, there is a tank</p> <p>24 in Allentown currently under construction. Another</p>	<p style="text-align: right;">Page 115</p> <p>1 A. I mean that it's gone through a</p> <p>2 biological treatment process and is being stored</p> <p>3 prior to discharge.</p> <p>4 Q. Does that tank have odor control</p> <p>5 devices on it?</p> <p>6 A. It does not.</p> <p>7 Q. Is it closed?</p> <p>8 A. It does have a roof, yes.</p> <p>9 Q. If the tank were built as proposed,</p> <p>10 can you describe for us the safety mechanism in order</p> <p>11 to keep this tank from being an attractive nuisance</p> <p>12 of children in the area?</p> <p>13 A. The detail I think that you are</p> <p>14 referring to would be of the ladder. That's</p> <p>15 basically got a special safety shroud to basically</p> <p>16 enclose the bottom seven feet of the safety cage.</p> <p>17 The bottom seven feet of the ladder</p> <p>18 would be designed to be retractable so that it would</p> <p>19 then be raised into the area of the safety shroud and</p> <p>20 have a lockable gate at that area to eliminate any</p> <p>21 kids from trying to access the roof of the tank.</p> <p>22 Q. Has Dutchland used this safety</p> <p>23 stairwell in Exhibit 10 on any of its other projects?</p> <p>24 A. This is something that we looked at</p>
<p style="text-align: right;">Page 114</p> <p>1 tank manufacturer is actually building that facility,</p> <p>2 but that's an SSO tank that is being built in</p> <p>3 Fogelstown towards Allentown.</p> <p>4 I know several in Williamsport,</p> <p>5 Pennsylvania, Duboistown. It's actually become</p> <p>6 something that's becoming pretty prevalent, you know,</p> <p>7 recently in the last year or two.</p> <p>8 Q. Did you travel with members of the</p> <p>9 RHM board in September of 2009 to look at a tank in</p> <p>10 Upper Uwchlan?</p> <p>11 A. I did, yes.</p> <p>12 Q. Can you describe the nature of that</p> <p>13 tank that you visited?</p> <p>14 A. That was an effluent storage tank</p> <p>15 that basically is in very close proximity to a</p> <p>16 residential neighborhood. It is used in conjunction</p> <p>17 with the wastewater treatment plant and it is</p> <p>18 basically being used continuously.</p> <p>19 Q. What's the nature of the material</p> <p>20 stored in that tank?</p> <p>21 A. That would be treated effluent from</p> <p>22 the wastewater treatment plant.</p> <p>23 Q. When you say treated, what do you</p> <p>24 mean?</p>	<p style="text-align: right;">Page 116</p> <p>1 specifically for this project because of its close</p> <p>2 proximity to recreational areas.</p> <p>3 Q. The exterior design of the tank, is</p> <p>4 there any feature about that design with children in</p> <p>5 mind and their ability to scale the sides of</p> <p>6 buildings?</p> <p>7 A. I'm not sure I understand your</p> <p>8 question.</p> <p>9 Q. The exterior of your tank, will it</p> <p>10 be scaleable by young children?</p> <p>11 A. Absolutely not.</p> <p>12 Q. What will prevent them from going up</p> <p>13 the sides of that tank?</p> <p>14 A. Well, it is very smooth concrete. I</p> <p>15 don't think that anyone is going to be able to scale</p> <p>16 smooth concrete. Yeah, it's just, it would be</p> <p>17 impossible.</p> <p>18 MS. LABRUM: I have no further</p> <p>19 questions. Oh, sorry.</p> <p>20 BY MS. LABRUM:</p> <p>21 Q. If the Board denies the height</p> <p>22 variance that the Sewer Authority has requested and</p> <p>23 the tank is reduced by six and a half feet in height,</p> <p>24 based upon the hillside that it is situated in, will</p>

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1 children be able to get on top of the tank?
2 A. It is my understanding that that
3 would create a valid concern for access to that roof
4 from the adjacent I think it is a baseball field.
5 So, yes, I would say so.
6 MS. LABRUM: I have no further
7 questions.
8 MR. MALONE: Just for clarification
9 what does your understanding come from in that
10 regard?
11 THE WITNESS: The civil engineering
12 that I have seen working with Fred.
13 MR. MALONE: It is what somebody
14 else told you?
15 THE WITNESS: It is what I have
16 seen from the grading map, grade lines.
17 MR. KANE: Mr. Byrne?
18 CROSS EXAMINATION
19 BY MR. BYRNE:
20 Q. So you think the difference of six
21 and a half feet from that hillside is going to stop
22 the kids from getting on top?
23 A. I think it is going to be a
24 deterrent certainly, yes.

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1 Q. You said that you use this safety
2 stairwell in connection with this design for this
3 tank. Is that right?
4 A. That is correct.
5 Q. So does that mean that you have not
6 designed other tanks that are in recreational
7 facilities?
8 A. I have worked on and designed tanks
9 that are in very close proximity to residential
10 neighborhoods, basketball courts, things of that
11 nature. But, you know, Fred expressed additional
12 concern regarding the access ladder, so we did
13 generate a special design with additional safety
14 features to prohibit potential access.
15 Q. Have you ever had a tank that's been
16 in an actual, right in with a field, where a ball
17 field is?
18 A. A baseball field?
19 Q. Yes.
20 A. No, not to my recollection. That's
21 not to say that Dutchland hasn't certainly built one.
22 Q. Have you been out to the site itself
23 to see where the tank would be located and how this
24 six and a half feet would make a difference so that

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1 the kids couldn't get from I think you said from the
2 side of the hill to the top of the tank?
3 A. I have not personally been there,
4 no.
5 Q. The tank you said you visited in
6 Upper Uwchlan? I'm not sure I'm saying that right.
7 A. Uwchlan.
8 Q. You said that the material that
9 was stored in there is treated effluent, is that
10 right?
11 A. That's correct.
12 Q. So it's already gone through the
13 biological process of being treated and then is
14 stored before its released out into the stream or
15 wherever it's going to be released. Is that
16 correct?
17 A. That is also correct.
18 Q. It would be the opposite with the
19 facility we are talking about here; none of this
20 would be treated?
21 A. It would be, as I think previously
22 stated, severely diluted, but, no, it would be
23 considered raw sewerage.
24 Q. There would be no biological

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1 treatment process that it had gone through before
2 while it is sitting in this tank?
3 A. No. No, it wouldn't.
4 MR. BYRNE: I have nothing further.
5 Thanks.
6 MR. RICHARDSON: You talked about
7 CSOs and SSOs as far as the manufacturing process.
8 Is there a difference?
9 THE WITNESS: No. The only
10 difference from my perspective would be for potable
11 water system, drinking water or wastewater.
12 Virtually all wastewater tanks are designed by the
13 same criteria.
14 MR. RICHARDSON: When you are
15 requested a certain capacity, when you build a tank
16 for that capacity, do you prefigure whether they are
17 going to have things in there? Does that affect the
18 capacity if they put filters in there?
19 THE WITNESS: That's what you mean
20 by things?
21 MR. RICHARDSON: Whatever.
22 THE WITNESS: Odor control?
23 MR. RICHARDSON: Anything, yeah.
24 THE WITNESS: Absolutely, it is

<p style="text-align: right;">Page 121</p> <p>1 considered in the design.</p> <p>2 MR. RICHARDSON: It is considered</p> <p>3 in the design?</p> <p>4 THE WITNESS: Whether it is an</p> <p>5 aeration system to help prevent odors or it is an</p> <p>6 odor control system. Any equipment that goes inside</p> <p>7 of the tank, you know, obviously needs to be</p> <p>8 integrated in the design of the tank to make sure</p> <p>9 that there is not going to be any issues.</p> <p>10 MR. RICHARDSON: Do you have a</p> <p>11 competitor?</p> <p>12 THE WITNESS: I do.</p> <p>13 MR. RICHARDSON: Could you name</p> <p>14 them, her or it?</p> <p>15 THE WITNESS: Them, there are</p> <p>16 several. You know, in the circular tank market,</p> <p>17 there are several prestressed concrete tank</p> <p>18 manufacturers. On the northeast coast here you would</p> <p>19 be looking at ourselves, a company called Natgun also</p> <p>20 builds similar concrete vessels. Preload is another</p> <p>21 company that would basically do something very</p> <p>22 similar. It is not identical to what we do. I could</p> <p>23 go on for a few hours on the differences and why we</p> <p>24 are better, but I won't go there.</p>	<p style="text-align: right;">Page 123</p> <p>1 MR. KANE: Ed Magargee?</p> <p>2 MR. MAGARGEE: The only question I</p> <p>3 would have is have you ever had one of your tanks</p> <p>4 fail?</p> <p>5 THE WITNESS: Fail?</p> <p>6 MR. MAGARGEE: Yes.</p> <p>7 THE WITNESS: No.</p> <p>8 MR. MAGARGEE: Collapse?</p> <p>9 THE WITNESS: I mean, no, I don't</p> <p>10 want to mislead. Obviously there is sometimes issues</p> <p>11 when you are building a vessel that's this large,</p> <p>12 sometimes there is experience issues during the</p> <p>13 construction phase, but Dutchland, Incorporated has</p> <p>14 never experienced a failure of a tank.</p> <p>15 MR. MAGARGEE: What about the</p> <p>16 coating on the tank, would it be acceptable to</p> <p>17 graffiti?</p> <p>18 THE WITNESS: Acceptable?</p> <p>19 MR. MAGARGEE: I mean, I meant</p> <p>20 would it take graffiti or would there be any</p> <p>21 graffiti --</p> <p>22 THE WITNESS: There are anti-</p> <p>23 graffiti coating that can be applied to the concrete.</p> <p>24 Currently, the stain I think that was presented on a</p>
<p style="text-align: right;">Page 122</p> <p>1 Rectangular tanks we also do. Our</p> <p>2 competitors there would be cast in place typically</p> <p>3 done by the contractor so there is no tank</p> <p>4 manufacturers per se that's out there building</p> <p>5 prestressed concrete rectangular tanks.</p> <p>6 MR. RICHARDSON: Just for my</p> <p>7 clarification, you are a circular?</p> <p>8 THE WITNESS: We do both. We do</p> <p>9 rectangular tanks and circular tanks.</p> <p>10 MR. RICHARDSON: But when you do</p> <p>11 rectangular, you do it at the site?</p> <p>12 THE WITNESS: I precast all of my</p> <p>13 tanks whether they are circular or rectangular. I</p> <p>14 precast them in a manufacturing facility in Gap,</p> <p>15 Pennsylvania, and I ship everything via flatbed to</p> <p>16 the site for erection.</p> <p>17 MR. RICHARDSON: Does that shipping</p> <p>18 have anything to do with your sizes?</p> <p>19 THE WITNESS: It does provide us</p> <p>20 some limitations. So obviously panel widths have to</p> <p>21 be considered, getting into wide loads sometimes</p> <p>22 becomes cost-prohibitive, the lengths of my panel</p> <p>23 generally is determined from a logistic standpoint.</p> <p>24 MR. RICHARDSON: That's all I have.</p>	<p style="text-align: right;">Page 124</p> <p>1 couple of the options, the renderings, you know,</p> <p>2 could have an anti-graffiti coating added to the</p> <p>3 mixture and then applied. So, yes, it is a</p> <p>4 possibility.</p> <p>5 MS. LABRUM: I think on page 88 on</p> <p>6 November 5th, the graffiti issue was addressed by Mr.</p> <p>7 Williams.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 MR. MAGARGEE: That's all I have.</p> <p>10 MR. KANE: Ed Casulli?</p> <p>11 MR. CASULLI: No questions.</p> <p>12 MR. KANE: Does your company</p> <p>13 presently have a tank similar to that which is</p> <p>14 proposed, installed and operational holding raw</p> <p>15 sewerage anywhere that you are aware of?</p> <p>16 THE WITNESS: Absolutely.</p> <p>17 MR. KANE: What type of filtration</p> <p>18 systems are installed?</p> <p>19 THE WITNESS: For odor control?</p> <p>20 MR. KANE: Yes.</p> <p>21 THE WITNESS: None.</p> <p>22 MR. KANE: Are any of them located</p> <p>23 in proximity to residences as close as this or</p> <p>24 closer?</p>

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1 THE WITNESS: I would say maybe not
2 quite as close. Well, this -- I'm not aware that
3 this is very close to residential areas. I mean from
4 the blueprints I have been able to see, it is close
5 at the recreational areas, but I don't know how close
6 the nearest home is. But I would say it is
7 comparable, I have comparable tanks in a comparable
8 area.

9 MR. KANE: If you don't know how
10 close -- I mean it is okay to say you don't know.
11 If you don't know, you can take a ride by the place.

12 THE WITNESS: All I am saying is I
13 have tanks that are very close to homes.

14 MR. MALONE: Those are the tanks
15 Mr. Kane asked about that are holding raw sewerage
16 with no filtration.

17 THE WITNESS: During peak wet
18 weather events used as an equalization tank or CSO
19 tank or SSO tank, yes. They would not be
20 theoretically in constant use.

21 MR. CASULLI: How close?

22 THE WITNESS: To homes?

23 MR. CASULLI: Your tanks.

24 THE WITNESS: From my best

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1 estimate, I would say couple hundred feet.

2 MR. MAGARGEE: Doesn't mean there's
3 not complaints.

4 THE WITNESS: The thing, too, that
5 I would like to point out is the roof of the
6 structure is water-tight. I mean it is not airtight,
7 but it is water-tight. So the only real source of
8 any potential odor that you are getting from that
9 tank is the ventilator. It is a 24-inch diameter
10 ventilator being proposed. In this case, it will be
11 in the center.

12 So even if you are standing directly
13 touching the wall of the tank, you are still 50 feet
14 away from any source of odor. So I think it is
15 extremely unlikely that odor is going to be, you
16 know, a concern.

17 MR. KANE: Just to familiarize you
18 with the area a little bit, the tank is adjacent --
19 and Kathy if you disagree with my description.

20 MS. LABRUM: I have an aerial
21 picture.

22 MR. KANE: -- it is adjacent to a
23 ball field, but if you look at a topographical map,
24 you will see there is an elevation. I'm not quite

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1 sure how high it is. And then there are homes
2 located on top of a hill. So if we talk in terms of
3 feet, it is not necessarily within 100 feet of the
4 home, but the homes are elevated such that if an odor
5 rose and went in that direction, that's my concern.

6 THE WITNESS: I see. You travel
7 that far. No, I don't think.

8 MR. KANE: There is also an
9 apartment building across the street that's built up
10 on a hill. So all of these residences are elevated
11 well above the top of the tank. So it is not like we
12 have a house and then the tank's even higher than a
13 house where it dissipates into the air. Sort of
14 would go up and blow over toward the apartment
15 building or to the homes that are built way up on the
16 hill.

17 THE WITNESS: Right, but it is
18 going to dissipate. The odor is going to dissipate
19 as it rises. I mean --

20 MR. MALONE: What's your basis for
21 that? I mean you are not, just your everyday --

22 THE WITNESS: Yeah, that's just my
23 thinking on it.

24 MR. MALONE: You haven't done

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1 studies on it? You haven't provided studies on it?

2 THE WITNESS: That would be my --

3 MR. MALONE: You are just saying
4 what your thought is about that?

5 THE WITNESS: Yes.

6 MR. RICHARDSON: You are stating
7 that there is an odor and that it will dissipate?

8 THE WITNESS: I am saying that
9 there is an odor to raw sewerage, yes. And I am
10 saying that you could expect some of that odor to
11 escape from the ventilator.

12 MR. KANE: Any other questions?
13 Mr. Byrne?

14 CROSS EXAMINATION

15 BY MR. BYRNE:

16 Q. One last question. You talked about
17 your tanks. You said that you don't really recall
18 any failures, but there were some problems. Do your
19 tanks ever leak?

20 A. There have been occasions during a
21 leak test prior to putting a tank in service we have
22 had to go and address a leak in a tank, yes.

23 Q. Any times that you have had to
24 address a leak after the tank has been put in

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1 service?
2 A. Not to my knowledge. I would like
3 to state that while it is not relatively common,
4 there is very standard and acceptable practices for
5 addressing leaks in a concrete vessel while tested.
6 It is a simple epoxy injection.
7 MR. BYRNE: That's all I have.
8 MR. MALONE: Brief housekeeping,
9 Kathy. A-10 wasn't really identified yet.
10 MS. LABRUM: As the detail.
11 Exterior ladder detail from Dutchland, Incorporated.
12 MR. MALONE: Just because he
13 referred to it. If I could, real quick. I want to
14 go through the exhibits that we have.
15 MR. KANE: I am curious about one
16 more thing. If the tank were six feet lower but it
17 is smooth concrete, would people be able to get onto
18 the top of it because it is so close to the grade,
19 they could just leap and jump to the top of it?
20 THE WITNESS: I think that
21 elevationally, it would be similar. I don't know
22 what the gap between the ball field and the edge of
23 the tank is. I do not recall what that space is, if
24 that's jumpable. But I do believe from an elevation

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1 standpoint, they would be at a very similar elevation
2 from what I recall.
3 MR. KANE: How tall is the tank
4 from the bottom to the top?
5 THE WITNESS: I believe it is 26
6 and a half feet.
7 MR. KANE: Any other questions from
8 the Board? Mr. Byrne?
9 MR. BYRNE: No, thank you.
10 MR. KANE: Then we will go through
11 the exhibits real quick.
12 MR. MALONE: What I have received
13 today, A-5, the letter from William Toal to Maryann
14 Grace concerning the Marple location.
15 A-6 is the SSO report.
16 A-7 is the D.E.P. civil penalty
17 assessment procedure document.
18 A-8 is Mr. Gomez's C.V.
19 A-9 we did not get to this evening.
20 MS. LABRUM: Next witness.
21 MR. MALONE: A-10 is the external
22 ladder detail.
23 A-11 is the map of RHM service area.
24 A-12 is the map of the DELCORA lines

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1 from Haverford to the end point.
2 MS. LABRUM: Yes.
3 MR. MALONE: A-13 is the I guess
4 documentation concerning proposed Manayunk CSO tanks.
5 A-14 is a D.E.P. report with
6 photographs attached which I have taken custody of
7 and we will get back to you the original tomorrow.
8 A-15 is the RHM flow rain report
9 from October '08 to October '09.
10 And A-16 is the RHM flow rain report
11 from the two-day period -- one day period
12 December 11th to December 12, '08.
13 MR. BYRNE: With respect to those
14 exhibits, I know you gave me some of them. Can I get
15 a package of them tomorrow? It doesn't have to be
16 tomorrow. You can do it next week.
17 MR. KANE: Then, I am going to ask,
18 I see some residents here. Did anyone receive
19 certified mail that wishes to address the Board.
20 (No response.)
21 MR. KANE: Regular mail? You, sir,
22 with the blue shirt please come forward.
23 ---
24 ADRIAN W.F. ASHFIELD,

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1 having been first duly sworn, according to law, was
2 examined and testified as follows:
3 ---
4 MR. KANE: Please state your name
5 and address for the record.
6 THE WITNESS: Adrian Walter Francis
7 Ashfield.
8 MR. KANE: What's your address?
9 THE WITNESS: 617 Glendale Road.
10 MR. KANE: What would you like to
11 tell us this evening?
12 THE WITNESS: I would have liked to
13 question the representative from DELCORA who is
14 obviously the most knowledgeable, but I guess that
15 that's too late.
16 And frankly the sort of questions
17 that I would ask, if I had the option, would take far
18 longer than you folks want to spend. It is already
19 11:35.
20 I have been through this twice now
21 over the last couple of years and I have raised what
22 seems to me significant questions. And as before, I
23 have been told that I would have the opportunity to
24 address the various people and I didn't get it. I

1 ask questions and nobody has looked into it.
2 The most pertinent one is that the
3 numbers that I got from RHM that I questioned on the
4 previous meetings, the one of November and the one
5 the year before that, I said I don't believe them
6 because I got numbers from the flow meters from
7 Springfield and also talked to DELCORA.

8 And, for example, look at the
9 minutes of the meetings that were held with County
10 Council, with the local council, the town council, I
11 beg your pardon, and look at the flow rates that were
12 quoted then. And today we are told 21,000, a million
13 gallons a day, and indeed I would like to enter this
14 as an exhibit. And you can have this copy. There is
15 another one for you. Where I say before knowing --

16 MR. KANE: Mr. Ashfield --

17 THE WITNESS: -- before this
18 meeting --

19 MR. KANE: Mr. Ashfield, we are
20 going to mark this Ashfield 1. Kathy, do you have a
21 copy?

22 MS. LABRUM: Not yet.

23 THE WITNESS: Before this meeting,
24 you will see the number there 21 million gallons per

1 day and we were told last year by RHM something not
2 much over half.

3 So my basic recommendation last time
4 was that we needed an independent review of the
5 numbers because we can't believe the numbers that we
6 have heard so far. That's the starting point.

7 And from there, only after you know
8 what the real flow rate is -- and, for example, I
9 think the question of giving a number of 650,000
10 gallons overflowing over SSO in Merry Place is a
11 joke. You can't estimate the thing accurately.
12 There wasn't anybody there for part of the time when
13 things were overflowing. Who measured how high the
14 water was over the lip?

15 You can't get an accurate estimate
16 by just looking at the spill on the ground. It is a
17 joke. So it may be 30,000; it may be 100,000, who
18 knows. And obviously that makes a hell of a
19 difference of the size of the surge tank that's
20 required.

21 Then if you do put in a surge tank
22 -- well, I could keep you here all night and it is
23 just not worth it. I have been through it all. It
24 is in that exhibit if you care to read it. That

1 exhibit incidentally was posted on Spencer blog on
2 the Delco Times. So it is online too if anybody
3 wants to look at it.

4 It is very frustrating frankly to
5 bring up these points and have absolutely no
6 resolution of them and to hear the same things
7 brought up time, after time, after time and to go
8 through all this again.

9 MR. KANE: Hold on. I have been on
10 this Board for a long time and this is the very first
11 case that RHM has ever come before this Board with.
12 So I don't know to what body you brought these issues
13 up time after time, not that I don't believe you but
14 this Board has never heard these issues before, just
15 so you know.

16 THE WITNESS: Actually, I commented
17 earlier that I was very impressed with the
18 intelligent questions and what you did with the
19 earlier meetings. But the right questions were not
20 asked in this investigation of this RHM proposal
21 primarily because what they are trying to do is to
22 get a variance over the existing regulations and
23 that's where you come in. But that really is the
24 wrong question.

1 The right question is what should be
2 done and whether this is the right thing to do. And
3 I know that that's outside the jurisdiction of this
4 meeting.

5 MR. KANE: And with respect to
6 going to and researching County Council minutes, you
7 are welcome to bring whatever documents or exhibits
8 to this hearing that you want and we absolutely will
9 look at them. But we are not permitted to go conduct
10 our own investigation. So we can't, inviting as it
11 may seem, go look at County Council minutes.

12 THE WITNESS: That was just to
13 confirm the numbers of what I stated that the numbers
14 that had been quoted by RHM before were much lower
15 than the 21 million that came up today.

16 MR. KANE: If you would like to
17 bring a copy of the County Council minutes, you can
18 submit them.

19 THE WITNESS: It doesn't make any
20 difference, does it?

21 MR. MALONE: What makes a
22 difference is this Board, as Mr. Kane indicated, is
23 hearing this for the first time. Every piece of
24 evidence brought before this Board will be reviewed

1 and properly evaluated by this Board.
 2 This Board was not at those
 3 commissioner meetings. This Board was not at the
 4 planning commission meetings. This Board has been
 5 provided as a piece of evidence a summary from the
 6 planning commission, but this Board does not pre-
 7 judge anything and this Board certainly doesn't make
 8 a determination of what does or doesn't matter before
 9 something is brought to it.

10 So with all due respect, to say to
 11 this Board it doesn't matter if I give it to you
 12 shows a little bit of a disrespect to this Board.
 13 This Board is an independent fact-finder in every
 14 case that it hears and that is look at every single
 15 piece of evidence and evaluate it, be instructed by
 16 me concerning the legal ramifications of what they do
 17 and render their decision.

18 If you believe that any
 19 documentation or any numbers are relevant and you
 20 want this Board to look the at them, I suggest that
 21 you listen to what Mr. Kane said, get them and bring
 22 them here. You have the right to do so.

23 THE WITNESS: Mr. Malone, if I have
 24 given you the impression that I'm not respecting this

1 committee, forgive me. It is certainly not my
 2 intention. It is the result of my frustration with
 3 the previous meetings which was supposed to deal with
 4 the issue. I understand this Board is not supposed
 5 to deal with the issues that I am concerned about and
 6 I don't know what to do about it.

7 MR. MALONE: To that end, you have
 8 heard, I believe, people indicate that this Board's
 9 review is limited. And the issue before this Board
 10 is a height variance, but this Board has a lot that
 11 they look at in terms of whether or not you grant a
 12 variance.

13 So I just want you to know that this
 14 Board will and certainly I understand your
 15 frustration as well, I believe this Board understands
 16 your frustration as well, but, please, if there is
 17 something that you think is germane, please don't let
 18 anything else that's happened before any other board
 19 prevent from you bringing what you believe would be
 20 relevant to this Board to look at.

21 THE WITNESS: Does it make any
 22 difference that RHM gave you numbers last year -- not
 23 you but the town council -- numbers which are not
 24 substantiated? Does it make any difference?

1 MR. MALONE: Obviously I don't know
 2 whether that is or is not the case, but I can only
 3 speak to you in generalities. If I have a witness
 4 who testifies that black is black and later on
 5 somebody shows me that they have previously testified
 6 that black is red, certainly, you know, it could go
 7 to that witness's credibility, but that's not before
 8 this Board.

9 THE WITNESS: I understand. And
 10 one Parthian shot, I don't believe this business of
 11 no smell. There are lots of other things that smell
 12 apart from the sulfides and the human nose is
 13 remarkably sensitive instrument. It can detect a
 14 relatively few molecules.

15 I am familiar with carbon filters
 16 and I know the manufacturers' claims that they work
 17 perfectly and there is no smell coming out, but
 18 that's not been my experience. I simply don't
 19 believe it. And I would love to see a similar setup
 20 with SSO in it for myself to see how it actually is.

21 I mean we were told in the last
 22 meeting to go look at this tank that was supposed to
 23 be similar with SSO in it and only later did we find
 24 out it was treated water. Of course treated water

1 isn't going to smell. I think that was very
 2 misleading to put that forward.

3 I thank you for your time. And it
 4 is late and I could happily spend an hour but I think
 5 you probably heard enough.

6 MR. KANE: Does anyone have any
 7 questions?

8 CROSS EXAMINATION
 9 BY MS. LABRUM:

10 Q. Mr. Ashfield, from your letter it
 11 looks like you actually personally saw the sewerage
 12 overflow?

13 A. Yeah, I live opposite for crying out
 14 loud.

15 Q. You are aware that there is actually
 16 a health hazard problem there on the ground?

17 A. Of course.

18 Q. In light of the testimony that you
 19 have heard that the Sewer Authority thinks it is
 20 going to be a very long time getting the optimum
 21 result, would it be your wish not to have a tank in
 22 order to try to prevent these flows onto the ground
 23 in front of your home?

24 A. No. The point is this, the numbers

1 that we are given so far are very suspect. I don't
 2 know that this is the optimum solution and I think
 3 there are other solutions. I think there are other
 4 sites for the tank.
 5 And what I recommended several times
 6 already is to have an independent review of the
 7 situation, an independent review of the numbers, what
 8 the actual flow rates are, what the options are, what
 9 the costs of the options are and do that.
 10 Now, I don't believe that it is
 11 going to take, necessarily would take 20 years to put
 12 in a parallel interceptor. I suspect that we have
 13 the right-of-way where the existing interceptor goes
 14 and really if one were, if one's life depended on it,
 15 it wouldn't take that long to put in the parallel
 16 interceptor.
 17 It may be that another surge tank
 18 somewhere is required as a temporary solution, but I
 19 am pretty certain that if that one goes in there in
 20 Merry Place, it will be a permanent solution and we
 21 will wait for the next event, which will be the old,
 22 one of the old sewer pipes breaking. I mean some of
 23 them I am told are from 1935. They are rotting.
 24 Q. Were you part of the hearings -- the

1 Sewer Authority came out with four proposed sites.
 2 Were you part of those hearings in front of the
 3 Environmental Council and the Planning Commission?
 4 A. Oh.
 5 UNIDENTIFIED MEMBER OF THE
 6 AUDIENCE: Let me speak.
 7 A. You really should not ask that
 8 question. My wife will speak. To put in a tank
 9 which is four times the size of the local houses at
 10 the very entrance to a disabled kids park, a
 11 beautiful little park, Merry Place, shows these folks
 12 have no aesthetic sense at all; or, alternatively,
 13 was to put that in when everybody said, no, we can't
 14 do that and then they take the second choice, which
 15 is what they wanted to do before.
 16 But of the solutions that were
 17 suggested, the best one was the one which was
 18 three-quarters of a mile, some considerable distance
 19 up Darby creek where the town owns some land.
 20 Q. Where the recycling center is?
 21 A. Yes, yes. And the argument that we
 22 were told was that it would make a difference whether
 23 the sewerage was taken out in Merry Place or whether
 24 it was taken out half a mile up the line where this

1 municipal site is. And from an engineering point of
 2 view that is ludicrous. It makes no difference where
 3 you take it out providing you reduce the quantity.
 4 You don't need to put in a six-inch pipe all the way
 5 from the municipal waste cycling place down to Merry
 6 Place and have the diesel pump in Merry Place.
 7 The only reasons for doing that is
 8 the people who are looking after the pump, which has
 9 to be run every two weeks, don't have to go traipsing
 10 off up the road to run the pump. That's the only
 11 reason for doing it.
 12 It would be a relatively simple
 13 matter to have that tank, I think it was site 4 and
 14 have it connected to the sewer line at that point and
 15 have the diesel pump at that point. It doesn't have
 16 to be anywhere close to Merry Place.
 17 Q. Are you aware that Merry Place is
 18 the lowest place in the line?
 19 A. Yes, it makes no difference.
 20 Q. When surge comes back --
 21 A. It makes no difference. What you
 22 are talking about is reducing the volume. If you
 23 take out half a million gallons up here rather than
 24 down there, you still reduce the volume by a half

1 million gallons. It makes no difference.
 2 Q. I will have Mr. Close address that
 3 on May 11th. But is it your opinion that something
 4 needs to be done with the situation at Merry Place?
 5 A. Yes. In fact, I am pessimistic in
 6 this piece that you probably haven't seen. I have
 7 even talked to the president of the Delaware County
 8 Council to see if he could help and he said he
 9 couldn't; it was beyond his jurisdiction.
 10 As far as I am concerned, my best
 11 guess is that it will take a mandate from E.P.A. or
 12 some other federal authority to do it because
 13 otherwise the other municipalities involved won't
 14 agree. That's why it hasn't been done and it keeps
 15 getting pumped down field every five years. I mean
 16 this is no surprise to these guys. They know. They
 17 have known for 20 years it needed repairing.
 18 Q. Their understanding is if there is
 19 no I & I from private home laterals, we might not be
 20 here.
 21 A. That may well be true to some extent
 22 and that you wouldn't have the volume. But the pipes
 23 are still so old, they are crumbling. You wouldn't
 24 have I & I if the pipes were in good condition. The

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1 water gets in apart from the illegal bit from the
2 homes, which I don't think you are going to fix
3 because people are not prepared to do it.
4 ---
5 STEVEN DiSIPIO,
6 having been first duly sworn, according to law, was
7 examined and testified as follows:
8 ---
9 MR. KANE: Your full name for the
10 record.
11 THE WITNESS: Steven DiSipio, 412
12 Walnut Hill Lane, Havertown.
13 MR. KANE: What would you like to
14 tell us?
15 THE WITNESS: Thank you for sitting
16 through all of this. I know everybody is tired. I
17 have been up since six myself. Thank you guys for
18 all showing up too.
19 I am going to keep it real brief
20 because I am very tired. I think everybody in this
21 room knows that this tank is not the solution to the
22 problem. The problem is put the parallel interceptor
23 in. The tank is just going to be a Band-Aid.
24 We have been told before that there

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1 is no money to do this parallel interceptor, nobody
2 can get the money, it is not out there. But from
3 what we have heard from past testimony from RHM, they
4 had three million dollars to do this project that
5 they saved. And then we heard tonight that they are
6 trying to get a two million dollar grant.
7 Now according to Mr. Salvucci's
8 testimony, the interceptor project will cost
9 \$20 million, plus or minus 20 percent, which will be
10 \$4 million. So you are looking somewhere between 16
11 and \$24 million. Well, we have \$5 million accounted
12 for already with the three million they already have
13 and the two million with the grant. That's a good
14 head start as far as I'm concerned.
15 By RHM's own admission, the SSOs --
16 MR. ASHFIELD: You have reduced the
17 inflow.
18 THE WITNESS: Let me speak because
19 it is really getting late. By RHM's own admission,
20 Fred attested to this in previous meetings, the SSO
21 problem started way down the line years ago and it's
22 progressively gotten worse and it's creeping up the
23 line until it got to Merry Place. Now somebody is
24 finally trying to do something about it, but fixing

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1 the spot in one spot, Merry Place, does not fix the
2 problem. It's overflowing in every other manhole
3 down the line. They are all having SSOs right up the
4 line up to us. So this does not solve the problem at
5 all. It just stops it at that one particular stop.
6 If the problem is continuing to get
7 worse year and year after year where it has finally
8 gotten up to us, it is it is going to continue to get
9 worse as Mr. Casulli alluded to.
10 When is this tank not going to be
11 sufficient to handle the load? I don't know. One
12 year? Two years? Five years? I don't know. We
13 don't know.
14 Putting it next to a Little League
15 field is just my opinion outrageous. Actually Mr.
16 Salvucci, I am glad he was here tonight because you
17 can check the transcript. He said it best. He said
18 -- I have an exact quote here -- he said: The
19 problem is the lines aren't big enough. He is the
20 expert. That's his testimony. You can check the
21 transcript.
22 Just one last thing, you know. Of
23 the many hats I wear, I am also a real estate agent
24 and I received an e-mail when this notice came out in

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1 the paper. I received an e-mail from my office and
2 basically it says that they clipped the notice and
3 put it in the e-mail and basically says that any
4 house that we list within a two-mile radius of this
5 proposed tank, we have to disclose it on the seller's
6 disclosure.
7 So basically it is like having a
8 defect to your property. So this is -- it is not
9 even built yet and the thing is already affecting
10 property values. Because if I try to sell my house
11 and I put on the seller's disclosure oh, by the way,
12 they are building a sewerage tank right back there
13 because you can see it from my house, you can see you
14 where my house is on there, but you can actually see
15 it from my back deck. You will be able to see this
16 tank.
17 So if I try to sell my house, I
18 already just lost value on my house. And that's
19 going to be anybody along the back that backs up to
20 the woods there.
21 So thank you for your time and I
22 appreciate you guys hanging in there.
23 CROSS EXAMINATION
24 BY MS. LABRUM:

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1 Q. One quick question. What real
2 estate agency do you work for?
3 A. I would rather not say. It is
4 basically an e-mail from work and I would rather not
5 say.
6 MS. LABRUM: That's my only
7 question.
8 THE WITNESS: I didn't get any
9 authorization.
10 MR. KANE: That's okay. Does
11 anybody else have questions for Mr. DiSipio?
12 MR. MAGARGEE: No.
13 MR. KANE: Mr. Byrne?
14 MR. BYRNE: No, thank you.
15 MR. KANE: Yes, ma'am.
16 ---
17 SHELLY ASHFIELD,
18 having been first duly sworn, according to law, was
19 examined and testified as follows:
20 ---
21 MR. KANE: Please state your full
22 name and address for the record.
23 THE WITNESS: My name is Shelly
24 Ashfield. I am at 617 Glendale Road. I am the wife

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1 of the Adrian Ashfield. And please forgive him. He
2 is a little hard of hearing sometimes.
3 I wanted to tell you that since I
4 live right across the street from these SSIs (sic.)
5 and I know that Bobby and Sam are over there manning
6 the fire trucks there during the night, and I,
7 myself, when I got to see things the next morning,
8 there was the big ring of toilet paper all around the
9 manhole cover. I was a little bit curious to see
10 actually what the extent of this problem was because
11 I was in these meetings with the town board in
12 November.
13 We have been involved in this for a
14 long time, even though you guys, this is the first
15 time you guys have seen this. This has been a long
16 haul for us.
17 And I remember weeping at my desk
18 wondering what was going to happen to my home when
19 they were going to propose building this tank right
20 across the street from me.
21 Some of you might have seen me over
22 at the Township Day with a large sign saying: No two
23 million gallon storage tank with my belly dance
24 costume during the township. 10,000 people saw me.

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1 It was kind of like a little last ditch effort to
2 say: Please, see me. This is my home that is being
3 affected. And, yeah, sometimes you can do some
4 pretty crazy things when your home is being affected.
5 Mr. Reardon, I got to admit, you are
6 not really very imaginative. I wanted to find out
7 what was going on, just that big ring of toilet
8 paper. And I looked downstream at all the other
9 places further downstream down Darby creek to see
10 what the extent is.
11 MR. KANE: Mrs. Ashfield, you have
12 to address the Board.
13 THE WITNESS: Okay, and I found
14 that it was just in Merry Place that those covers had
15 blown at that one incident that you guys were at.
16 And I found that it tells me that
17 there might have been a blockage. This is one thing.
18 Water flows downhill. Shit flows downhill. The laws
19 of gravity do not change. And that's one of the
20 things that --
21 MR. KANE: Mrs. Ashfield --
22 THE WITNESS: -- I would like to
23 address.
24 MR. KANE: I am going to let it

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1 slide because of the lateness of the hour and I am
2 sure you are tired, but please try not to use
3 profanity.
4 THE WITNESS: Okay.
5 MR. KANE: Thank you.
6 THE WITNESS: I thank Mr. Magargee
7 for saying something about the graffiti factor.
8 Everybody has been fighting billboards, but here this
9 is one of the biggest billboards that you will ever
10 see right next to a place where kids are playing and
11 being tempted to use the biggest graffiti board ever.
12 I mean we already see the graffiti across the street
13 on 476. You have to cross the creek in order to be
14 able to get to that area. It is hard to get at.
15 This one is easy to get at. And you don't think it's
16 not going to be used? Come on.
17 The other thing that I saw Mr. Brown
18 from Dutchland, I got to hear from him in November,
19 but I do have a question for him. I remember back in
20 1999, we had Hurricane Floyd. We had a 15-foot wall
21 of water rushing and literally plowing everything out
22 of its way at Merry Place. How does a tank like this
23 stand up to such a thing? We still had debris that
24 hadn't been cleaned up for three years. Some of that

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1 debris may have found its way in some of the
2 waterways that we have still and it is still
3 obstructing things. Has anybody addressed this? No,
4 I don't think so. But really I am worried about a
5 giant tank like this under these conditions.
6 I am glad that somebody said
7 something about the lay of the land. That's
8 important. We are going to be right on top of this.
9 And, ma'am, I mean we have heard from some of that's
10 guys before. This is my home. And, yes,
11 realestate.com, I took a look at realestate.com and I
12 can tell you how much, how much my home has lost
13 already. It is lost about 40, \$50,000. That's my
14 home. That's something that I have worked for a long
15 time and I make a whole lot less than you do. I know
16 that. Don't do this to me.
17 MR. KANE: Please address the
18 Board.
19 THE WITNESS: But I think I
20 appreciate everything that you guys have done and I
21 am really glad that you brought up so many of these
22 things. And I know it is late and I am sorry for
23 taking so much time.
24 MR. KANE: Kathy, do you have

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1 questions?
2 MS. LABRUM: I don't.
3 MR. KANE: Ken?
4 MR. RICHARDSON: No.
5 MR. KANE: We are going to continue
6 this case to May 11th. So it is not that far off.
7 MS. ESPOSITO MATTHEWS: I
8 understand, but I may not be available May 11. I am
9 just going to tell you what I have done since
10 March 13th. It is four sentences.
11 MR. KANE: Four sentences?
12 MS. ESPOSITO MATTHEWS: Swear.
13 MR. KANE: Then come up.
14 ---
15 MARILYN A. ESPOSITO MATTHEWS,
16 having been first duly sworn, according to law, was
17 examined and testified as follows:
18 ---
19 MR. KANE: Your full name and
20 address for the record?
21 THE WITNESS: Marilyn Antoinette,
22 Esposito Matthews.
23 MR. KANE: Please proceed.
24 THE WITNESS: Since March 13th,

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1 which you have discussed as a date that is very
2 important with this issue, I have had a sewer check
3 valve installed in my basement. I have had the
4 toilet that was original to the home pulled out of
5 the basement. I had a utility sink pump installed at
6 the utility pump, at the site of the utility sink.
7 And I had, the second project was a sump pump.
8 And what concerned me and what I
9 would like clarification on is you keep saying
10 lateral. Now, when the sump pump was installed, they
11 drilled a hole through the back of my home, certified
12 plumber, Henderson, William Henderson Plumbing and
13 Heating. And then they have the drain pipe going
14 out. Is that what you're calling --
15 MS. LABRUM: Lateral is the pipe
16 that goes from your home carrying your sewerage water
17 out to the street that's owned by the Sewer Authority
18 or by the township, depending on where you live, and
19 that's not cleaned or inspected by either a township
20 or Sewer Authority because it is your private
21 property.
22 THE WITNESS: Correct. I have been
23 through that with Henderson based on the flooding
24 events that I have had since 2004 and several times

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1 which I have documented and called Mr. Weschler
2 hundreds of times about. I have had several flooding
3 issues 2004 and this past 2010 have been a problem.
4 I just want to make sure that that lateral -- is
5 there an issue?
6 MS. LABRUM: They don't think that
7 you live in the RHM service district, but it wouldn't
8 make a difference because you still own your sewer
9 lateral but it is simply --
10 THE WITNESS: Would you like to see
11 my driver's license? I don't understand.
12 MS. LABRUM: I think based on your
13 street address, that you may not be in the RHM
14 service area. RHM doesn't cover all of Haverford
15 Township.
16 THE WITNESS: The 300-block of
17 Bryan Street?
18 MS. LABRUM: Nope, sorry.
19 THE WITNESS: Who does cover it?
20 MS. LABRUM: That's the township.
21 Here's --
22 THE WITNESS: Mr. Weschler takes no
23 responsibility or liability for sewer water that you
24 have at this zoning meeting said it's hazardous to

1 people's health, none. I am just saying that I have
 2 just spent \$5,000 within two weeks. Allstate issued,
 3 Allstate came out and looked at the damage. I
 4 privately, my mother spent \$5,000, I had to replace
 5 the water heater.
 6 MS. LABRUM: Everything got ruined?
 7 THE WITNESS: Yes. But what
 8 Allstate wants to know -- we have already and
 9 Henderson Heating feels it is not the pipes
 10 underneath my house that is the issue. It is what
 11 Mr. DiSipio said is the issue. All the lines need to
 12 be widened. And I understand that it is late.
 13 MS. LABRUM: I think that you are
 14 outside RHM service area. You can look at this map.
 15 THE WITNESS: Well, it was mailed.
 16 I understand that.
 17 MR. KANE: All right, we said four
 18 sentences. It is 5 after 12.
 19 MS. LABRUM: 316 Bryan Street, you
 20 got it for the other hearing.
 21 THE WITNESS: I still think that
 22 sewer water is sewer water. I apologize.
 23 Mr. Kane, I understand what you are
 24 saying about profanity. Senator Levin this week

1 really went to task on Goldman Sacks.
 2 MR. KANE: Thank you very much.
 3 One more resident and Mr. Emilio and then we will
 4 wrap it up.
 5 ---
 6 ROBERT M. FOWLER, JR.,
 7 having been first duly sworn, according to law, was
 8 examined and testified as follows:
 9 ---
 10 MR. KANE: Full name and address
 11 for the record, please.
 12 THE WITNESS: Robert M. Fowler,
 13 Jr., 609 Glendale Road, Havertown.
 14 MR. KANE: What would you like to
 15 tell us?
 16 THE WITNESS: I just had a cup of
 17 coffee and I am off tomorrow so we are going to be
 18 here for awhile. No, I am only kidding.
 19 First of all, just thank everybody
 20 for being here and talking about this. But anyhow,
 21 so we are all aware, we have human waste out on the
 22 ground. I live directly across the street from Merry
 23 Place. It is not a pretty sight. Okay, it is a
 24 health hazard, environmental hazard.

1 We are doing the right thing here.
 2 I don't think we are moving in the right direction as
 3 far as getting something moving in a short amount of
 4 time. I think we have to move at it. There are
 5 long-term plans, we understood.
 6 But I think for the short term, as
 7 time goes on, these things keep happening. We have
 8 been the issue across the street. It is not get any
 9 better. It is just getting worse.
 10 So whatever you can do to help this
 11 whole situation. I know there is the one
 12 alternative; we are looking at a tank. I don't want
 13 a tank in Haverford Township anywhere, but if that's
 14 an alternative, I think we really have to look at it.
 15 Somebody might have to give;
 16 somebody might have to take. In some situations, not
 17 everybody, I mean some people do live across the
 18 street where there is large equipment, etcetera. It
 19 is something you have to look at. That's the way it
 20 goes.
 21 But I think we really need to move
 22 this along in a short amount of time. Have a short-
 23 term plan. Let the county issues go, let the whole
 24 pipes, everything take place in the next 20 years

1 that's fine. But every time this thing comes over,
 2 it is polluting the area over there and downstream.
 3 So I just wanted to make it clear,
 4 you know, how I feel and I hope we are looking at
 5 that direction short term, not looking at the
 6 long-term plan.
 7 CROSS EXAMINATION
 8 BY MS. LABRUM:
 9 Q. Could you describe for the record
 10 the location of your house in relationship to where
 11 the SSOs are occurring in Merry Place lot?
 12 A. Yes. It is directly across the
 13 street from my driveway, I can see the manhole.
 14 Q. How far would you estimate your home
 15 is from the edge of the SSO?
 16 A. 150, 200 feet give or take.
 17 Q. Would you be in favor of RHM
 18 building a tank even if we couldn't get the variance
 19 so that we couldn't guaranteed to get 100 percent of
 20 the SSOs?
 21 A. Say that again.
 22 Q. RHM is asking for a six and half
 23 foot variance. A tank can be built six and a half
 24 feet lower as of right on that property. What we are

1 asking for is to build the tank a little bit higher,
2 so that we would have collected every SSO that we are
3 aware of from 2006 to the present.

4 If we are denied that six and a half
5 foot variance, our engineers are afraid that we will
6 not be able after spending maybe \$2 million to stop
7 every SSO that occurs in Merry Place.

8 Would you be in favor of RHM going
9 forward with the tank even if we are denied the six
10 and a half foot variance so that we pick up 90, 75,
11 we don't really know, percentage of those spills and
12 keep the raw sewerage out of your front road?

13 THE WITNESS: I don't know if I am
14 going to answer the question because I know it is
15 late. But the ones we have had, the 1.5 I guess it
16 is, will handle what we have had, give or take.

17 For a foot and a half or whatever it
18 is we are looking at, to me, I have things across the
19 street from my house that are bigger than a foot and
20 a half high. They are dump trucks. And I'm okay
21 with that. It serves is the right purpose. So for
22 an extra foot and a half, I don't see why it wouldn't
23 go that direction. It's handled the ones we have had
24 in November. So to me, everything is in place, and I

1 think it is more or less people getting used to it.
2 There may be an obstacle here.

3 The hearsay with real estate, I will
4 be honest with you, I don't know. If I lost \$50,000
5 in my house already, I am going to try to move now.
6 But I don't believe in that. I think that's to the
7 extreme, but that's my opinion.

8 But I think it needs to be
9 considered and I don't know of any other houses over
10 by the park that are closer than a thousand feet that
11 are going to see this where, like I said, myself, I
12 see things that aren't the best for the eye, but it
13 works. It works for the township; it works for me.
14 You have to give a little bit here and there.

15 MR. DiSIPIO: Would you be opposed
16 to having the tank directly across from you?

17 MR. KANE: None of that.

18 THE WITNESS: The options that we
19 talked about that were discussed before where the
20 tank will be located, I know there was a discussion
21 at the very beginning of this directly across the
22 street from my house, let's say a tank being there.
23 I say no. I am looking at a place that is in
24 directly across the street from somebody's house. It

1 can be barricaded with arborvitaes, whatever it may
2 be. That's the place we have to look at. Up the
3 road where the ballpark -- and like I said I not
4 going to get in the different options -- up by the
5 ballpark where that's going to be, I don't believe
6 there are going to be that many people looking
7 directly at it from underneath.

8 From a distance I am sure if it is
9 green, it blends it; if it is brown, it blends in.
10 But in my opinion, it is in a space, it is nowhere
11 near anybody's house. It is in the furthest
12 location, whether it is a thousand feet to Westgate
13 Hills or wherever. But we are trying to spread it as
14 far as you can go.

15 MR. KANE: Questions?
16 (No response.)

17 MR. KANE: Mr. Byrne?

18 MR. BYRNE: No, thank you.

19 MR. KANE: Mr. D'Emilio?

20 THE WITNESS: Thanks for your time.

21 ---

22 STEPHEN D'EMILIO,
23 having been first duly sworn, according to law, was
24 examined and testified as follows:

1 ---

2 MR. KANE: Your full name and
3 occupation in which you appear here this evening.

4 THE WITNESS: Stephen D'Emilio, 200
5 Walnut Hill Lane. I am the 1st Ward commissioner.

6 MR. KANE: What would you like to
7 tell us tonight?

8 THE WITNESS: First, thank you for
9 allowing us to speak at this late hour, and I think
10 my notes, I am starting to see blurry notes here.

11 But there's been a lot of talk in
12 the recent six months about, you know, numbers, flow
13 rates and how much was allocated to fix this issue
14 and millions of dollars have been floated around.
15 You know, was there \$20 million allocated? Was there
16 \$40 million allocated? I remember going to a meeting
17 where I think Fred Williams said 40 million was
18 allocated.

19 MR. WILLIAMS: Estimated.

20 THE WITNESS: Estimated. I don't
21 know where that money is today. That was supposedly
22 for fixing the laterals, which there is no denying
23 that overflows occur there. If anybody denied that
24 we would only be lying. It does occur, but I think

1 the best solution is to fix the lateral.
 2 And, you know, I was looking at some
 3 of the testimony and I was looking back from
 4 Hurricane Floyd, and I did a little research. And
 5 you know it is hard to believe that we didn't have,
 6 that the record occurred in March and -- I don't
 7 know what occurred in back in I think it was 1999.
 8 There were two days of heavy rain in the Philadelphia
 9 area, 6.77 inches of precipitation fell at
 10 Philadelphia Internation Airport and that set a new
 11 daily record. Hardest hit areas were Delaware County
 12 and Bucks County. And it says here that runoff
 13 inundated the sewerage treatment plants causing
 14 sewerage to empty into the rivers and streams.
 15 It is hard to believe that during
 16 those two days that we have a record set then. It is
 17 just hard to believe.
 18 But anyway, I think that the flow
 19 rates, those numbers are being floated around and
 20 they seem to be changing. I agree with Mr. Ashfield.
 21 I wouldn't mind an independent look into some of
 22 these issues. But, again, you know, the solution --
 23 let me take a step back. And, again, please bear
 24 with me because it is late. But Mr. Salvucci when

1 questioned by Mr. Byrne, seems to me that if you
 2 recall back in November, this was a temporary
 3 solution until such time as the lateral can be fixed.
 4 Sounded like to me tonight that that
 5 temporary solution is no longer there. This sounds
 6 like a permanent solution to a problem.
 7 But there were some good questions
 8 asked by this Board and that is whether or not it
 9 will this in five years will it will able to hold
 10 some of those overflows. There are so many different
 11 issues now floating, it is no wonder that some of the
 12 residents are confused. I am confused by some of
 13 these issues, you know, whether something is
 14 temporary, whether it is not.
 15 We tried to get State Representative
 16 Vitalli involved. I know he tried to get some
 17 meetings with municipal leaders downstream and that
 18 fell to the wayside and we haven't heard anything
 19 about that. I am not criticizing him. I know he
 20 tried. It is hard to believe that nobody is holding
 21 the municipalities downstream more accountable. And
 22 it seems like this is a Haverford Township problem
 23 and the solution would be to put this tank in and in
 24 my opinion then we own the problem and it just

1 doesn't go away.
 2 We have lines that are built in the
 3 1930's that are going to deteriorate or are
 4 deteriorating. We know that. They have to be fixed.
 5 So you are putting a Band-Aid on the situation that
 6 needs to be fixed. And the right way in my eyes is
 7 to put this lateral.
 8 And I do feel -- I went down there
 9 when there are overflows, one of the overflows. I
 10 did see it. I saw the line there. They are going
 11 there and doing what they need to do to clean it up.
 12 It does occur, I agree, and I just think that this
 13 is, this tank is is not the solution.
 14 MR. KANE: Okay.
 15 THE WITNESS: Thank you, by the
 16 way.
 17 MS. LABRUM: I have no questions.
 18 MR. KANE: Mr. Byrne?
 19 MR. BYRNE: No, thank you.
 20 MR. KANE: Anybody have any
 21 questions?
 22 MR. RICHARDSON: No.
 23 MR. KANE: With that, we will
 24 continue this case. We are going to schedule a

1 special hearing just for this case on May 11th at
 2 8:00 p.m. So this case is continued to May 11, 8
 3 p.m.
 4 (Whereupon, the hearing in the
 5 above-entitled matter was adjourned at 12:22 a.m.)
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CERTIFICATE

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I, ARLENE M. LaROSA, a Registered Professional Reporter, do hereby certify that the above testimony was recorded stenographically by me and was transcribed by means of computer-aided transcription under my personal direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or related to any of the parties of this action nor in any way interested in the outcome of this matter.

ARLENE M. LaROSA, RPR

RHM Sewer Authority Hearings

2010-05-11

5/11/2010

Condensed Transcript

Prepared by:

Daniel J. Siegel, Esquire
Law Offices of Daniel J. Siegel, LLC

Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
OF HAVERFORD TOWNSHIP.
2 DELAWARE COUNTY, PENNSYLVANIA
3 IN RE: Z09-24, the appeal of Radnor Haverford Marple
Sewer Authority who seeks a variance from the
4 provisions of 182-603 to erect an emergency sanitary
sewer holding tank that will exceed the maximum
5 height limit of 12 feet on the township owned
property located at Glendale Road and Raymond Drive,
6 also known as D.C. Folio 2209 001553 00, zoned ROS
Outdoor Recreation and Open Space and is located in
7 the first ward.
8 ---
9 A continued public hearing was held
before the Zoning Hearing Board of Haverford
10 Township, at the Township Building, 2325 Darby Road,
Havertown, Pennsylvania, on Tuesday, May 11, 2010,
11 commencing at 8:12 p.m. reported by Arlene M. LaRosa,
Professional Reporter.
12 ---
13 MEMBERS OF THE BOARD:
14 ROBERT KANE, CHAIRMAN
EDWARD MAGARGEE, MEMBER
15 KENNETH RICHARDSON, MEMBER
16
17 **PLEASE NOTE THAT THIS TRANSCRIPT MAY
18 BE COPIED WITHOUT THE EXPRESS PERMISSION
OF ARLENE M. LaROSA, RPR.
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20 ARLENE M. LAROSA, RPR
21 Court Reporting Services
11 Heron Hill Drive
22 Downingtown, Pennsylvania 19335
610.458.7183
23
24

Page 2

1 APPEARANCES:
2
3 WILLIAM MALONE, ESQUIRE
Solicitor on Behalf of the Board,
4
5
6 KATHRYN LABRUM, ESQUIRE
On Behalf of the Applicant,
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Page 3

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2 INDEX
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4 WITNESS DIRECT CROSS REDIR
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6 (No witnesses were called.)
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8 ---
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10 EXHIBITS
11 EX. NO. MARKED ADMITTED
12 (No exhibits were marked.)
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Page 4

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2 MR. KANE: We will convene the
3 meeting of the Haverford Township Zoning Hearing
4 Board of Tuesday, May 11th. Present at the front is
5 Ken Richardson, a voting member; to my left, Ed
6 Magargee, a voting member. To my immediate left,
7 William Malone, our esteemed solicitor.
8 We have one continued case tonight,
9 case Z09-24, the Appeal of Radnor Haverford Marple
10 Sewer Authority who seeks a variance from the
11 provisions of 182-603 to erect an emergency sanitary
12 sewer holding tank that will exceed the maximum
13 height limit of 12 feet on the township owned
14 property located at Glendale Road and Raymond Drive,
15 also known as D.C. Folio 2209 001553 00, zoned ROS
16 Outdoor Recreation and Open Space and is located in
17 the 1st Ward.
18 We have a copy of a letter that was
19 addressed to?
20 MS. LABRUM: I think Mr. Malone and
21 myself.
22 MR. KANE: We have a letter written
23 from the law offices of McNichols, Byrne and
24 Matlawski, P.C., addressed to Kathy Labrum and

<p style="text-align: right;">Page 5</p> <p>1 William Malone, Esquire regarding RHM Zoning 2 Application. 3 I'm going to read this letter into 4 the record. The letter is dated May 11, 2010, and it 5 reads: Dear Kathy, please accept this correspondence 6 as confirmation of our telephone conversation this 7 morning wherein I advised that the Board of 8 Commissioners at its public hearing last night voted 9 to rescind its permission and authority for RHM to 10 explore a zoning variance for a surge tank on the 11 township property located at Glendale Road and 12 Raymond Drive. 13 The Board of Commissioners makes 14 this decision without prejudice to renew the 15 application at the Board's direction after further 16 discussions with representatives for RHM. 17 Thank you for your attention. Very 18 truly yours, James J. Byrne, Jr. 19 Secondly, Kathy wrote a letter to 20 Bill Malone from the law offices of Donaghue and 21 Labrum dated May 11, 2010, and it reads: Dear Mr. 22 Malone: Please allow this letter to confirm our 23 conversation this date concerning the notice received 24 today from the Haverford Township Board of</p>	<p style="text-align: right;">Page 7</p> <p>1 presently it is, there would be no standing for RHM 2 to proceed any further with regard to the pending 3 application. 4 That being said, there is mention in 5 there that that is made without prejudice to RHM. If 6 there are further discussions, Mr. Byrne voiced no 7 objection to Mrs. Labrum's request. 8 My opinion to this Board would be to 9 accommodate the request of Ms. Labrum for the 10 continuance, but also to put some time limitations on 11 it so as not to have a matter that would be pending 12 forever. I actually would think RHM would tend to 13 want that given their stated concern about time. 14 MR. KANE: Okay, we have -- what's 15 the date of our next meeting? 16 MR. MALONE: May 20. We have a 17 completely full agenda. 18 MR. KANE: After that, June 3rd. 19 Kathy, do you think -- 20 MS. LABRUM: I think that would be 21 sufficient time. If their position remains as it is 22 today, we have no standing. Probably have a lawsuit, 23 but no standing. 24 The second paragraph where it says</p>
<p style="text-align: right;">Page 6</p> <p>1 Commissioners rescinding RHM's authority to proceed 2 before the Zoning Hearing Board. I have enclosed a 3 copy of Mr. Byrne's May 11, 2010 letter for your 4 records. 5 May I respectfully request a 6 continuance of this evening's hearing to address the 7 standing issue with the Board of Commissioners. 8 Please extend our thanks to your Board for so 9 graciously accommodating our funding deadlines with 10 this evening's special listing. Very truly yours, 11 Kathy Labrum. 12 Mr. Malone, with respect to this 13 standing issue, would you address that? 14 MR. MALONE: Sure. Prior to doing 15 that, just so you know, I did speak to Ms. Labrum 16 today as well as Mr. Byrne. Mr. Byrne indicated to 17 me he voiced no objection to the request of Ms. 18 Labrum in this regard. I just wanted to make sure 19 that was clear. For a personal reason, which I won't 20 divulge, he is not here this evening. 21 With regard to standing, given the 22 letter from Mr. Byrne this morning, it is my opinion 23 that, you know, at this point, if that was the final 24 say and the final word on this matter, which</p>	<p style="text-align: right;">Page 8</p> <p>1 without prejudice, it's sort of unique. So RHM needs 2 to explore that second paragraph and then come back. 3 And if the permission is permanently removed, then we 4 have no standing to pursue a variance with you. I am 5 in agreement with Mr. Malone on that. 6 So hopefully the two parties can 7 work out and then be back here June the 3rd, and it 8 is either worked out and we have standing or if we 9 don't and the Board will have to dismiss our request 10 for a variance. 11 MR. KANE: Okay, any discussion, 12 Ken? 13 MR. RICHARDSON: No. 14 MR. KANE: Ed? 15 MR. MAGARGEE: No. 16 MR. KANE: With that, this case 17 will be continued to our June 3rd hearing at which 18 time if standing is not adequately established, the 19 case will be dismissed for lack of standing. 20 (The hearing in the above-entitled 21 matter was adjourned at 8:19 p.m.) 22 23 24</p>

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CERTIFICATE

I, ARLENE M. LaROSA, a Registered Professional Reporter, do hereby certify that the above testimony was recorded stenographically by me and was transcribed by means of computer-aided transcription under my personal direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or related to any of the parties of this action nor in any way interested in the outcome of this matter.

ARLENE M. LaROSA, RPR

RHM Sewer Authority Hearings

2010-06-03 (Williams)

6/3/2010

Condensed Transcript

Prepared by:

Daniel J. Siegel, Esquire
Law Offices of Daniel J. Siegel, LLC

Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
OF HAVERFORD TOWNSHIP.
2 DELAWARE COUNTY, PENNSYLVANIA
3 IN RE: Z09-24, the appeal of Radnor Haverford Marple
Sewer Authority, who seeks a variance from the
4 provisions of 182-603 to erect an emergency sanitary
sewer holding tank that will exceed the maximum
5 height limit of 12 feet on the township owned
property located at Glendale Road and Raymond Drive,
6 also known as D.C. Folio 2209 001553 00, zoned ROS
Outdoor Recreation and Open Space and is located in
7 the first ward.
8 ---
9 A continued public hearing was held
before the Zoning Hearing Board of Haverford
10 Township, at the Township Building, 2325 Darby Road,
Havertown, Pennsylvania, on Thursday, June 3, 2010,
11 commencing at 11:15 p.m. reported by Arlene M.
LaRosa, Professional Reporter.
12
13 ---
14 MEMBERS OF THE BOARD:
15 ROBERT KANE, CHAIRMAN
EDWARD MAGARGEE, MEMBER
16 EDWARD CASULLI, MEMBER
KENNETH RICHARDSON, MEMBER
17
18 **PLEASE NOTE THAT THIS TRANSCRIPT MAY
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Page 2

1 APPEARANCES:
2 JENNIFER LATOUR, ESQUIRE
Solicitor on Behalf of the Board,
3
4 KATHRYN LABRUM, ESQUIRE
On Behalf of the Applicant,
5
6 JAMES BYRNE, ESQUIRE
On Behalf of the Township.
7
8
9 ALSO PRESENT:
10 LORI HANLON-WIDDOP, Assistant Manager
JOAN SCHECK, Deputy Zoning Officer
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4 WITNESS DIRECT CROSS REDIR
5 GREG WILLIAMS 5 18
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8 EXHIBITS
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10 EX. NO. MARKED ADMITTED
11 A-17 Letter 5
12 A-18 Letter 5
13 A-19 Aerial Photo 5
14 A-20 Photo 5
15 A-21 Photo 5
16 A-22 5
17 A-23 5
18 A-24 5
19 A-25 Report 21
20 A-26 Map 23
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Page 4

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2 ---
3 (Previous to the hearing commencing,
4 Exhibits A-17 through 24 were marked for
5 identification.)
6 ---
7 MR. KANE: Our next case is Z9-24,
8 the appeal of the Radnor Haverford Marple Sewer
9 Authority, who seeks a variance from the provisions
10 of 182-603 to erect an emergency sanitary sewer
11 holding tank that will exceed the maximum height
12 limit of 12 feet on the township owned property
13 located at Glendale Road and Raymond Drive, also
14 known as D.C. Folio 2209 001553 00, zoned ROS Outdoor
15 Recreation and Open Space and is located in the first
16 ward.
17 Hello, Kathy.
18 MS. LABRUM: Good morning. It is
19 midnight, right?
20 MR. KANE: Took quite a bit longer
21 than three minutes.
22 MS. LABRUM: Members of the Board
23 will recall when we were here last, we had lost our
24 authorization to proceed in front of the Board.

Page 5

1 I have marked as Exhibit A-17, a
2 letter from Mr. Byrne, the solicitor of Haverford
3 Township, reinstating our authority to proceed with
4 the application.
5 I also have for the record a letter
6 from George Cordes, the asset manager of Delaware
7 County turning down our request for reconsideration
8 of our request to purchase a site in the Marple
9 Township to place the overflow tank.
10 And with that, because of the late
11 hour, I would like to move and just ask Mr. Williams
12 as a witness three questions and then put on PJ Close
13 for some severely circumscribed testimony.
14 MR. KANE: Who is your first?
15 THE WITNESS: Greg Williams for
16 some questions. Mr. Williams was sworn previously.
17 MR. KANE: Please have a seat.
18 ---
19 GREG WILLIAMS,
20 having been previously sworn, was examined and
21 testified as follows:
22 ---
23 DIRECT EXAMINATION
24 BY MS. LABRUM:

Page 6

1 Q. Mr. Williams, there's been testimony
2 over the course of these in the case of the Darby
3 creek flooding and leaving its banks, we will be
4 forced to stop the pumping operation if we have a SSO
5 tank. Are you personally aware of how many times
6 that the Darby creek has come out of its banks and
7 come up around the RHM building so that you would be
8 forced to stop pumping in the last 37 years?
9 A. I believe it to be three times.
10 Q. Would that have been Hurricane Agnes
11 in 1974?
12 A. Yes.
13 Q. And Hurricane Floyd in 1999?
14 A. Yes.
15 Q. And then a simple rain event in
16 2004?
17 A. Yes.
18 Q. We have also heard testimony over
19 the course of these hearings about a parallel
20 interceptor. Have you personally ever been involved
21 in intra-municipal project concerning the parallel
22 interceptor?
23 A. Yes.
24 Q. Can you describe for the Board the

Page 7

1 municipalities that met to discuss a parallel
2 interceptor project?
3 A. Yes. It was, in addition to RHM, it
4 was Upper Darby Township, Springfield Township and
5 representatives of the DCJA Authority which
6 represented a lot of the downstream municipalities.
7 I believe that was an additional ten.
8 Q. Do you recall approximately when
9 that meeting occurred?
10 A. At this late hour, I can't, I can't
11 think exactly. Seems to me it was in '07 that we had
12 a meeting at the DELCORA offices.
13 Q. And at that time, were the costs of
14 the installation of a parallel interceptor discussed?
15 A. Yes. After discussing what we were
16 trying to do, it was agreed upon that we would have
17 to have an independent engineering study done and
18 that was estimated to be in the range of about
19 \$20,000 with the engineering study -- I am sorry, 20
20 million.
21 Q. For the engineering study?
22 A. Yes.
23 Q. Was there discussion for the
24 possible construction costs for the interceptor?

Page 8

1 A. Yes. That was in the amount
2 estimated to be somewhere between 40 and \$60 million
3 for the construction.
4 Q. So the estimates at that time in
5 2007 ranged from 60 to 80 million dollars for the
6 entire interceptor project?
7 A. Yes.
8 Q. I just handed up to the Board
9 exhibits which have been premarked A-19, 20 and 21.
10 And can you describe for the Board what Exhibit A-19
11 is?
12 A. A-19 is an aerial shot prepared or
13 obtained from the Google and it shows Westgate Hills
14 down, looking down over the baseball field and the
15 Darby creek area, the Iacobucci properties.
16 Q. On the right-hand side near the top
17 of A-19 is what I would call a baseball diamond?
18 A. Yes.
19 Q. Can you describe for the Board the
20 size of the proposed tank in relation to that
21 baseball diamond?
22 A. Approximately the same size.
23 Q. Could you use my pen to mark on A-19
24 where the tank, if constructed by RHM, would be on

<p style="text-align: right;">Page 9</p> <p>1 that Google map?</p> <p>2 MR. KANE: Kath, I can't find Mr.</p> <p>3 Williams' name in my notes that I have in front of</p> <p>4 me. What is his capacity again?</p> <p>5 MS. LABRUM: He is the engineer</p> <p>6 for RHM.</p> <p>7 MR. KANE: Mr. Williams, I</p> <p>8 apologize for that. Did you just say the diameter of</p> <p>9 the tank will be equal in size to the baseball</p> <p>10 diamond?</p> <p>11 THE WITNESS: Approximately that</p> <p>12 size. The tank is 100 feet in diameter. This I</p> <p>13 think the Little League baseball field or not the</p> <p>14 field, but the diamond, I think it ranges, as I</p> <p>15 recall, somewhere around 45 or 60 feet, in that area</p> <p>16 for the, not the green area but the turf for the</p> <p>17 diamond.</p> <p>18 MR. KANE: The dirt? It is a dirt</p> <p>19 infield. Is that what you're talking about?</p> <p>20 THE WITNESS: Yeah, yeah. I mean</p> <p>21 it is a little larger than that. We have our own</p> <p>22 picture that shows the diamond behind the batting</p> <p>23 cage and that's in the vicinity of where it is that I</p> <p>24 have marked here. But just as a reference --</p>	<p style="text-align: right;">Page 11</p> <p>1 the area where the tank is proposed to be erected?</p> <p>2 A. Well, no. It is adjacent to that in</p> <p>3 front of the batting cage.</p> <p>4 MR. KANE: Where is the batting</p> <p>5 cage in relation to the tank that's proposed to be</p> <p>6 located?</p> <p>7 THE WITNESS: On that photo right</p> <p>8 there --</p> <p>9 MR. KANE: Just for the record,</p> <p>10 this photo is two 8 and a half by 11 pages. They</p> <p>11 appear to be separate photographs that are taped</p> <p>12 together to create a landscape view, but they don't</p> <p>13 exactly match up where one end, the other doesn't</p> <p>14 seem to begin. Kathy, do you see what I am saying?</p> <p>15 MS. LABRUM: Yes.</p> <p>16 MR. KANE: So I am having a hard</p> <p>17 time from looking at that exhibit figuring it out.</p> <p>18 Do you know what I am saying?</p> <p>19 THE WITNESS: If you hold the</p> <p>20 picture up here, this is the baseball diamond here.</p> <p>21 The batting cage is over here. And we are standing</p> <p>22 in the parking lot in front of the batting cage</p> <p>23 taking the photograph across.</p> <p>24 MR. KANE: The photos do not appear</p>
<p style="text-align: right;">Page 10</p> <p>1 MR. KANE: When you say marked</p> <p>2 here, you just put a physical mark on the exhibit?</p> <p>3 THE WITNESS: Yes.</p> <p>4 MS. LABRUM: That is Exhibit</p> <p>5 A-19.</p> <p>6 MR. KANE: Okay.</p> <p>7 MS. LABRUM: For housekeeping</p> <p>8 purposes, Mr. Williams began testifying on page 56</p> <p>9 through 91 of the transcript of November the 5th.</p> <p>10 MR. KANE: I believe you. I just</p> <p>11 don't recall who he was.</p> <p>12 MS. LABRUM: It is the blue pen</p> <p>13 circle up in the upper right-hand column of A-19.</p> <p>14 BY MS. LABRUM:</p> <p>15 Q. The next picture that we have marked</p> <p>16 for the Board is Exhibit A-20. Can you describe for</p> <p>17 the Board what this picture is and when it was taken?</p> <p>18 A. This picture was taken last week. I</p> <p>19 was with the operations manager who is John Reardon</p> <p>20 with the RHM. We were standing in the parking lot of</p> <p>21 the ball field essentially near the batting cage</p> <p>22 looking towards Glendale Road across the field</p> <p>23 looking toward Glendale Road.</p> <p>24 Q. Is the person holding the camera in</p>	<p style="text-align: right;">Page 12</p> <p>1 to be contiguous.</p> <p>2 MS. LABRUM: It is because two</p> <p>3 pictures, one next to the other.</p> <p>4 Q. This picture was taken to illustrate</p> <p>5 what features behind?</p> <p>6 A. The apartment houses up on top of</p> <p>7 the hill.</p> <p>8 Q. Those apartment houses are located</p> <p>9 on what street?</p> <p>10 A. Glendale Road, off of Glendale Road.</p> <p>11 Q. Presumably from this photograph in</p> <p>12 the summer months, would the tank be visible from the</p> <p>13 apartments on Glendale Road?</p> <p>14 A. In my opinion, it would be difficult</p> <p>15 to see the tank from this, through that foliage.</p> <p>16 Q. When you are standing and taking</p> <p>17 this photograph, could you see the apartments from</p> <p>18 your vantage point?</p> <p>19 A. No, did not.</p> <p>20 Q. The third picture, which has been</p> <p>21 marked as A-21 for the Board, which is also three</p> <p>22 photographs which have been pasted together so as to</p> <p>23 provide a larger view, can you describe for the Board</p> <p>24 what those are?</p>

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1 A. Yes. Again, standing at the batting
2 cage looking towards Raymond Drive and also Westgate
3 Hills area, we have a picture here that shows all the
4 trees and the foliage that is in front of that
5 Westgate Hills area.
6 Q. When you took the photograph which
7 is depicted in A-21, did you simply turn in position
8 180 degrees?
9 A. Yes.
10 Q. So you are still in the same
11 location but now you are looking 180 degrees
12 opposite?
13 A. Yes. Well, 90 degrees in looking
14 towards Westgate Hills.
15 Q. And can you see the homes in
16 Westgate Hills?
17 A. I can't see them in this picture,
18 no.
19 Q. Could you see them when you were
20 standing there even though you can't see them on the
21 photograph?
22 A. I couldn't see them.
23 MR. KANE: You just asked if you
24 could see the houses when you took the photo on A-21,

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1 right, Kathy?
2 MS. LABRUM: Yes.
3 MR. KANE: What type of trees are
4 they there on the hill?
5 THE WITNESS: I don't know.
6 MS. LABRUM: This photograph was
7 taken at the same time as this one which was just a
8 week ago.
9 MR. KANE: How many months do the
10 trees retain their foliage, those trees in
11 particular, do you know?
12 THE WITNESS: I really don't know.
13 I would assume from say March or April through
14 November.
15 MR. KANE: How about the trees in
16 A-20?
17 THE WITNESS: Same thing, same
18 answer.
19 MR. KANE: If there was no foliage
20 on the trees, no leaves, would the people from the
21 apartment building be able to see the tank?
22 THE WITNESS: I would think so,
23 yes.
24 MR. KANE: Would the people on top

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1 of the hill on Exhibit A-21, would they be able to
2 see the tank from their homes if there were no leaves
3 on the trees?
4 THE WITNESS: I believe so, yes.
5 MR. KANE: Go ahead, Kath.
6 BY MS. LABRUM:
7 Q. The parallel interceptor that we
8 discussed, would it require additional easements in
9 addition to the easements currently in place that
10 carry the RHM sewerage from here to DELCORA?
11 A. Yes.
12 Q. Do you know what the size of the
13 current easements are?
14 A. As I understand it, the current
15 easements, the permanent easements are 30-foot in
16 width. And generally when you put an easement on a
17 sewer line, you try to make sure that the sewer line
18 is in the center of that 30-foot easement.
19 Q. Would it be possible to install the
20 parallel interceptor which has been discussed inside
21 that 30-foot easement which exists from RHM all the
22 way through to Darby Township?
23 A. We could use a portion of that
24 30-foot easement, but it would still require

Page 16

1 additional easement area.
2 Q. Would that be additional permanent
3 easement area?
4 A. Additional permanent easement area.
5 Q. Would you also require a
6 construction easement in order to install that
7 interceptor?
8 A. Yes, yes.
9 Q. The property that is on either side
10 of that easement running from RHM through to DELCORA,
11 is that private property?
12 A. For the most part, I believe so,
13 yes.
14 MS. LABRUM: I don't think I have
15 any more questions of this witness, if the Board has
16 any questions.
17 MR. KANE: Ken?
18 MR. RICHARDSON: No.
19 MR. KANE: Ed Casulli?
20 MR. CASULLI: No.
21 MR. KANE: Ed Magargee?
22 MR. MAGARGEE: I am kind of lost
23 with the relevance of the photographs of the trees in
24 the one angle because correct me if I am wrong, but

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1 the tank is not the only area where you are going to
2 remove trees. There is also grading associated with
3 the stormwater management basin. So there are going
4 to be more trees removed.
5 THE WITNESS: Yes, yes.
6 MR. MAGARGEE: So it is really hard
7 to depict from the photographs.
8 THE WITNESS: Those photographs?
9 MR. MAGARGEE: Right.
10 THE WITNESS: The purpose of these
11 photographs was to show the buffering or the foliage
12 that's in front of Westgate Hills in the summertime
13 as looking down toward the ball field. And the same
14 was for the apartment building off of Glendale Road
15 showing the buffering of that foliage.
16 MR. MAGARGEE: When you are looking
17 down from the Glendale apartments, there is going to
18 be more trees removed in front of the tanks.
19 THE WITNESS: At the tank location,
20 yes, but this foliage that we show in this picture is
21 on the hillside on the other side of Glendale Road.
22 MR. MAGARGEE: Their hillside?
23 THE WITNESS: Yeah.
24 MR. MAGARGEE: Okay, got you.

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1 MR. KANE: Can you identify on
2 A-19 where the floodplain is, the Darby creek
3 floodplain? Is that indicated on here anyplace?
4 THE WITNESS: Not on here, no.
5 MR. KANE: Can you correlate it to
6 another exhibit? I know we had --
7 MS. LABRUM: Hopefully, Mr. Close
8 will be testifying and he will testify about the
9 location of the floodplain.
10 MR. KANE: Okay.
11 THE WITNESS: It is difficult to
12 show it on this photograph. It is on the drawing.
13 MR. KANE: I mean the plot plans,
14 they have all the lines on it, but with those aerial
15 photos, it is sort of easier to comprehend. Do you
16 understand what I'm saying?
17 THE WITNESS: Yes.
18 MR. KANE: That's why I was going
19 to ask you to correlate it to A-4.
20 I think we will hold the question
21 for the next witness.
22 CROSS EXAMINATION.
23 BY MR. BYRNE:
24 Q. If I could, it is just because of

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1 the hour, if we could get a copy of the Cordez
2 letter.
3 And the second thing was in terms of
4 a question. Mr. Williams, you had mentioned first
5 you said an independent engineering study in
6 reference to an estimate of \$20 million for that
7 study for the parallel interceptor. Was that like a
8 detailed estimate? And by that I mean like a written
9 estimate, report type estimate?
10 A. No. What that was, we agreed at
11 that meeting with Springfield Township
12 representatives, Charles Cantania with DCJA, Upper
13 Darby representatives and ourselves, we discussed
14 what we thought had to be done, which was surveying,
15 easement locations, easement people being notified
16 about easements and things of that nature, and then
17 the design and so forth. And the study would have
18 been telling us what the extent of the work would be
19 either from Radnor Township all the way down to Darby
20 Township at the pump station and we just simply
21 estimated what we thought the cost would be.
22 Q. More of, for lack of a better term,
23 back of an envelope?
24 A. Yes, what we would call a concept

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1 estimate.
2 Q. Is the same true for the estimated
3 construction cost that is you gave us for 40 to 60
4 million dollars?
5 A. Yes.
6 MR. BYRNE: That's all I have.
7 Thanks.
8 MR. KANE: Kathy, I wanted to ask
9 what percentage of the flow that comes down through
10 RHM is generated from Marple, what percentage
11 generated from Radnor and what percentage generated
12 from Haverford is? Is this the correct witness to
13 ask this question of?
14 MS. LABRUM: He might be.
15 MR. KANE: You heard me ask that.
16 Are you the correct person?
17 THE WITNESS: I have it in a file.
18 I can get that for you.
19 MR. KANE: You have it with you?
20 THE WITNESS: Yes.
21 MR. KANE: Okay.
22 THE WITNESS: This information, by
23 the way, is given to each of the member townships, so
24 Haverford has it also.

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1 MR. KANE: We don't.
2 THE WITNESS: I know. What I have
3 is the the tabulation of the RHM flows for the year
4 2009. This is by month for Radnor Haverford, Marple,
5 Newtown, Tredyffrin and be the totals. The Haverford
6 flow total flow is 369.9 million gallons.
7 MR. KANE: What period of time is
8 this?
9 MS. LABRUM: 2009.
10 THE WITNESS: And it represents
11 14 percent of the total flow going down the line.
12 MR. KANE: Each municipality, if
13 you would, unless Kathy is going to offer that as an
14 exhibit.
15 MS. LABRUM: We will enter that
16 just to move along so we can all go home before
17 3:00 a.m. I am going to have to mark it out of
18 order as Exhibit A-25, and it is the 2009 monthly
19 flow by township report from RHM.
20 THE WITNESS: It's got the flows
21 for each month and the total flow for each township
22 for the whole year.
23 MR. KANE: Okay, let me just see it
24 quickly. Just for my colleagues' sake, in case they

Page 22

1 have a question, it indicates Radnor at 44.5 percent;
2 Haverford, 14 percent; Marple, 20 percent; Newtown,
3 13.3; Tredyffrin 7.9, and --
4 UNIDENTIFIED MEMBER OF THE
5 AUDIENCE: Could you repeat those?
6 MR. KANE: Radnor 44.5; Haverford,
7 14; Marple, 20.3; Newtown, 13.3; Tredyffrin 7.9.
8 Any other questions?
9 MR. MAGARGEE: One other question.
10 Would it be possible to get a map of where this
11 location of the interceptor line is? Is it talking
12 about one line or more than one line?
13 THE WITNESS: The RHM interceptor?
14 MR. MAGARGEE: Yes.
15 THE WITNESS: We have maps in our
16 office of the interceptor of our system from Radnor
17 all the way down to the tie in in Upper Darby
18 Township.
19 MR. MAGARGEE: I think that would
20 be helpful for me to understand what we are talking
21 about.
22 THE WITNESS: We don't have them
23 with us at the moment. What I do have, Ed, is a copy
24 of the watershed map that shows the location of the

Page 23

1 line with an overall map. It is not real clear, but
2 it does show that the extent of the RHM system and
3 each of the meter locations. I have got that if you
4 would like to look at that.
5 MR. MAGARGEE: Yeah, that would be
6 helpful, just something. You keep talking about the
7 interceptor line and where these things are and we
8 have nothing in evidence now.
9 THE WITNESS: The map is entitled
10 Radnor Marple Haverford Sewer Authority Meter Pit
11 Locations and Interceptor Sewers and it is marked in
12 red.
13 MR. KANE: Is is this going to be
14 26, Kathy?
15 MS. LABRUM: Yup.
16 MR. KANE: Can you repeat the name
17 of it?
18 MS. LABRUM: It is the the Radnor
19 Haverford Marple Sewer Authority Meter Pit Locations
20 and Interceptor Sewers.
21 MR. MAGARGEE: No other questions.
22 I just needed to see this to understand it.
23 MS. LABRUM: I would call Mr. Close
24 as our next witness.

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1 MR. KANE: Mr. Byrne, did you have
2 any follow-up?
3 MR. BYRNE: Nothing further.
4 MR. KANE: Off the record.
5 (Whereupon, a discussion was held
6 off the record.)
7 MR. KANE: The census of the Board
8 seems to be that we don't get into the engineer.
9 That we continue this case, and, Kathy, correct me if
10 I am wrong, you somewhat agree with that?
11 MS. LABRUM: We will continue to
12 June the 17th. Could I request that we be listed
13 first on the 17th?
14 MR. KANE: What are the two cases
15 that we have on the agenda?
16 MS. LABRUM: I anticipate only
17 putting on this witness.
18 MR. KANE: I will try. Jim, are
19 you available?
20 MR. BYRNE: I want to apologize. I
21 I didn't mean to be presumptuous the billboards were
22 off. I got a note and I know there was a request and
23 I think there was a message back that it was granted.
24 MR. KANE: I never got a message

1 that it was formally requested.
 2 MR. BYRNE: I don't mean to step
 3 on your toes or anything. It was a natural reaction
 4 because I heard it was continued. So I apologize for
 5 that.
 6 MR. KANE: Mr. Kaplin, until we
 7 receive it in writing and it is confirmed, I don't
 8 want to get too deep into it, but I wanted him to
 9 waive all the time constraints.
 10 MR. BYRNE: Just so that's straight
 11 on the record. And you asked me a question.
 12 MR. KANE: Since you are a party
 13 to this, we are talking about continuing it to
 14 June 17th. Joan has indicated we have some other
 15 cases scheduled that night too. One is a
 16 residential. Another might be a complicated case. I
 17 don't even know what it is, but anyway are you
 18 available on the 17th?
 19 MR. BYRNE: Yeah, I will be here.
 20 I will be here one way or the other.
 21 MR. KANE: With that, we will
 22 continue this case to our June 17th hearing and we
 23 have a couple of decisions that we are going to do.
 24 (The hearing in the above-entitled
 matter was adjourned at 11:49 p.m.)

1
 2 C E R T I F I C A T E
 3
 4
 5 I, ARLENE M. LaROSA, a Registered
 6 Professional Reporter, do hereby certify that the
 7 above testimony was recorded stenographically by me
 8 and was transcribed by means of computer-aided
 9 transcription under my personal direction.
 10
 11 I further certify that the foregoing is a
 12 true and correct transcript of the testimony given at
 13 said examination of said witness.
 14
 15 I further certify that I am not counsel,
 16 attorney, or related to any of the parties of this
 17 action nor in any way interested in the outcome of
 18 this matter.
 19
 20 _____
 ARLENE M. LaROSA, RPR
 21
 22
 23
 24

RHM Sewer Authority Hearings
2010-06-17 (Close, Reardon)

6/17/2010

Condensed Transcript

Prepared by:

Daniel J. Siegel, Esquire
Law Offices of Daniel J. Siegel, LLC

Sunday, August 08, 2010

Page 1

1 BEFORE THE ZONING HEARING BOARD
 2 OF HAVERFORD TOWNSHIP
 3 DELAWARE COUNTY, PENNSYLVANIA
 4 IN RE: Z09-24, the appeal of Radnor Haverford Marple
 5 Sewer Authority, who seeks a variance from the
 6 provisions of 182-603 to erect an emergency sanitary
 7 sewer holding tank that will exceed the maximum
 8 height limit of 12 feet on the township owned
 9 property located at Glendale Road and Raymond Drive,
 10 also known as D.C. Folio 2209 001553 00, zoned ROS
 11 Outdoor Recreation and Open Space and is located in
 12 the first ward.
 13 ---
 14 A continued public hearing was held
 15 before the Zoning Hearing Board of Haverford
 16 Township, at the Township Building, 2325 Darby Road,
 17 Havertown, Pennsylvania, on Thursday, June 17, 2010,
 18 commencing at 8:31 p.m. reported by Arlene M. LaRosa,
 19 Professional Reporter.
 20 ---
 21 MEMBERS OF THE BOARD:
 22 ROBERT KANE, CHAIRMAN
 23 EDWARD CASULLI, MEMBER
 24 EDWARD MAGARGEE, MEMBER
 KENNETH RICHARDSON, MEMBER

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 ARLENE M. LaROSA, RPR.

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Page 2

1 APPEARANCES:
 2 WILLIAM E. MALONE, JR., ESQUIRE
 3 Solicitor on Behalf of the Board,
 4
 5 KATHRYN LABRUM, ESQUIRE
 6 WILLIAM R. TOAL, ESQUIRE
 7 On Behalf of the Applicant,
 8 JAMES BYRNE, ESQUIRE
 9 On Behalf of the Township.
 10
 11 ALSO PRESENT:
 12 LORI HANLON-WIDDOP, Assistant Manager
 13 JOAN SCHECK, Deputy Zoning Officer
 14 ---
 15
 16
 17
 18
 19
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 21
 22
 23
 24

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 6 MAURICE P. CLOSE 5 42
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 12 A-1 through A-26 97
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 14 ---
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 24 ---

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1
 2 MR. KANE: We will reconvene the
 3 meeting the Haverford Township Zoning Hearing Board
 4 of Thursday, June 17, 2010. Mrs. Yancoskie has left
 5 the building and I am now present. I am Robert Kane.
 6 Our next case will be Z9-24, the Z09-24, the appeal
 7 of Radnor Haverford Marple Sewer Authority, who seeks
 8 a variance from the provisions of 182-603 to erect an
 9 emergency sanitary sewer holding tank that will
 10 exceed the maximum height limit of 12 feet on the
 11 township owned property located at Glendale Road and
 12 Raymond Drive, also known as D.C. Folio 2209 001553
 13 00, zoned ROS Outdoor Recreation and Open Space and
 14 is located in the 1st Ward.
 15 Mrs. Labrum?
 16 MS. LABRUM: Good evening. We are
 17 here this evening for the continuation of this
 18 hearing which began in November, seeking six and a
 19 half foot height variance for a flow equalization
 20 tank.
 21 We have one last witness for the
 22 Board this evening, and then we would ask if, at some
 23 time during the evening, the Board will vote on this
 24 application for the height variance.

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1 The last witness that we have is
2 P.J. Close, a professional engineer and partner in
3 Kelly & Close. I have copies.
4 MR. KANE: Kathy, if you would, can
5 you just give us a quick synopsis of where we stand
6 with the case? You called many witnesses. I think
7 at the last hearing, you presented the C.V. for Mr.
8 Close.
9 MS. LABRUM: We didn't -- we ended
10 up not calling Mr. Close because it was too late in
11 the evening.
12 So we have marked his C.V. as
13 Exhibit Number 22, but immediately after distributing
14 it, we decided to reconvene until this evening for
15 this last witness because we think he will be
16 slightly lengthy with the Board's questions. If I
17 can call him now.
18 MR. KANE: Yes, ma'am.
19 ---
20 MAURICE P. CLOSE,
21 having been first duly sworn, according to law, was
22 examined and testified as follows:
23 ---
24 MR. KANE: Your full name and

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1 address for the record, please.
2 THE WITNESS: Maurice P. Close. I
3 do go by PJ. My address is 376 Ivy Mills Road, Glen
4 Mills, Pennsylvania, 19342.
5 MR. KANE: Please have a seat.
6 DIRECT EXAMINATION
7 BY MS. LABRUM:
8 Q. Mr. Close, I am going to hand you
9 what's been marked as Exhibit Number 22, and if you
10 can identify that for us?
11 A. Yes. This is my curriculum vitae.
12 Q. Could you describe your educational
13 background for the Board? Is your curriculum vitae
14 up-to-date?
15 A. Yes, it is.
16 Q. Can you describe briefly your
17 educational background for the Board?
18 A. Yes. I went to Penncrest High
19 School here in Delaware County and I graduated from
20 the University of Delaware with a bachelor in civil
21 engineering degree.
22 Q. Your license status?
23 A. I am a registered professional
24 engineer in Pennsylvania since 1991.

Page 7

1 Q. Have you previously been qualified
2 as an expert for any zoning hearing board, planning
3 commissions, courts or township commissions?
4 A. Yes, I have.
5 Q. Can you just give us a brief
6 synopsis of those?
7 A. Yes, I do a lot of work in Delaware
8 County, Chester County area. And I have been before
9 numerous planning commissions, zoning hearing board,
10 conditional use hearings, board of supervisors
11 hearings and appeared a few times, once in Aston
12 Township in local court and once in Delaware County
13 court.
14 Q. Your C.V. reflects that you have
15 engineering experience with sewer authorities. Can
16 you just briefly describe that for us, for the Board?
17 A. Sure. I have been involved with
18 municipal and private engineering since about 1989.
19 My capacity as a co-owner of Kelly & Close Engineers,
20 we represent a number of municipal authorities, as
21 well as municipalities in Delaware County.
22 Through the years I have been
23 involved in all aspects of wastewater, sewerage
24 engineering from Act 537 sewerage planning. We have

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1 done a number of I & I studies, inflow and
2 infiltration studies; designed all elements
3 collection systems, conveyance systems, pump
4 stations, elements of wastewater treatment plants,
5 pretty much everything that is involved with sanitary
6 sewer systems.
7 MS. LABRUM: I would offer Mr.
8 Close as an expert in civil engineering with a
9 specialty in sewerage conveyance collection systems.
10 MR. KANE: Our solicitor generally
11 asks questions before we accept anyone as an expert
12 for our Board. So Mr. Malone?
13 MR. MALONE: Just a few questions,
14 Mr. Close. With regard to your licensure,
15 Pennsylvania is the only state or Commonwealth in
16 which you have been licensed as a professional
17 engineer?
18 THE WITNESS: Yes, it is.
19 MR. MALONE: Have you in the past
20 five years had any suspensions, cessation for any
21 reason of your licensure in the Commonwealth of
22 Pennsylvania?
23 THE WITNESS: No, I have not.
24 MR. MALONE: You talked about being

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1 accepted as an expert in I think Common Pleas once in
2 Delaware County and once in Chester County?
3 THE WITNESS: Once in Delaware
4 County and a local district court in Aston.
5 MR. MALONE: What was the
6 expertise, what was the nature of your qualification
7 at the Common Pleas level at Delaware County?
8 THE WITNESS: That was for it was
9 actually a slip-and-fall case and I was asked to
10 evaluate the site conditions adjacent to a hospital,
11 the appropriateness of a curb and sidewalk relative
12 to the accident.
13 MR. MALONE: So you were not
14 admitted in the Common Pleas level with any sub-
15 specialty; is that correct?
16 THE WITNESS: That's correct.
17 MR. MALONE: How about at the
18 district court level, was there any specialty or
19 subspecialty that you qualified at that level?
20 THE WITNESS: That was relative to
21 general site engineering. So, no, there was no
22 specialty identified with that expert witness
23 testimony.
24 MR. MALONE: Can you just give the

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1 Board an estimation of the number of times you have
2 been admitted with the specialty of wastewater
3 management or sewerage treatment and kind of where
4 that happened?
5 THE WITNESS: I actually never had
6 an opportunity through a zoning hearing board, a
7 conditional use hearing, anything like that where it
8 was solely for testimony for a wastewater type of
9 application. But in those applications, they would
10 involve residential, commercial, industrial,
11 institutional, land development subdivisions. And as
12 part of that, the elements of design that I was
13 responsible for was everything to do with site
14 engineering. And one of those elements was
15 collection system, conveyance system.
16 Often sometimes we would design pump
17 stations relative to that sewerage facility planning
18 module, which is an element of Act 537 planning. So
19 I have not had to, as a representative or consultant
20 for our municipal authorities or sewer authorities,
21 had to appear before a zoning hearing board where it
22 was solely for testimony of wastewater engineering.
23 MR. MALONE: Finally, is, there to
24 your knowledge, any entity at the Commonwealth of

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1 Pennsylvania level that provides licensure or
2 certification for a subspecialty of wastewater
3 management or sewerage treatment?
4 THE WITNESS: Not that I am aware.
5 As a professional engineer, it is simply for civil
6 engineering. And as I believe, as one of the
7 previous witnesses had testified, the onus is on each
8 professional to practice in that area of expertise of
9 which we have competence.
10 MR. MALONE: That's all the
11 questions I have. Thank you.
12 MR. KANE: Any questions from Board
13 members?
14 MR. MAGARGEE: No.
15 MR. KANE: With that, we will
16 accept Mr. Close as an expert.
17 BY MS. LABRUM:
18 Q. Can you describe for the Board the
19 documents that you reviewed in preparation for your
20 testimony this evening?
21 A. Yes. I had the opportunity to sit
22 in attendance at the last two zoning hearings. I
23 have reviewed the transcript of the one prior to last
24 time we were here. I have also reviewed the

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1 transcript from the November 5th, 2009, hearing. I
2 have reviewed the plans prepared by Advanced Years
3 Services for the flow equalization tank, the pump
4 station and force main to that tank. I have also
5 visited the site. So I have a pretty good
6 familiarity of the area. So they are generally the
7 documents I looked at.
8 Q. Are you familiar with Mr. Fred
9 Williams who is a consultant for RHM Sewer Authority?
10 A. Yes, I am.
11 Q. Can you describe for me how you
12 became familiar with his work?
13 A. I've known Fred for probably over 12
14 years. We have worked together on a number of
15 sewerage related projects.
16 This township and RHM are very
17 fortunate to have a guy like Fred. I know he has
18 been there for over 35 years which speaks for itself.
19 Fred is probably one of the top five sewerage
20 engineers in Delaware County. We have worked on a
21 lot of projects.
22 I have actually sought Fred's advice
23 for I and I studies for sewerage projects, collection
24 projects. I have actually worked with Fred and RHM.

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1 RHM probably has one of the top I and I programs I
2 would say in the southeast Pennsylvania region. They
3 have been doing I and I work probably before people
4 knew what I and I work was back in the early 70's.
5 They were consistently accounted
6 for, purchased equipment, organizational structure is
7 really set up to reduce I and I coming into the
8 system.
9 And I have sought Fred's advice and
10 Mr. John Reardon's advice over the years in working
11 in my municipalities and the authorities that I work
12 with to kind of bounce ideas off of them.
13 So if I have a problem tomorrow on a
14 sewer project, I will pick up the phone and call
15 Fred.
16 MR. KANE: Kathy, what was your
17 question again?
18 MS. LABRUM: The basis of his
19 knowledge of Mr. Williams' work.
20 BY MS. LABRUM:
21 Q. At page 92 of the November 5, 2009,
22 transcript, Mr. Byrne asked Mr. Williams, quote, What
23 is it that makes you believe that it, referring to
24 the flow equalization tank, needs to be 1.5 million

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1 gallons as opposed to 1.4, 1.3, 1.1?
2 Do you have an expert opinion as to
3 what size the flow equalization tank should be, that
4 RHM believes it needs to build at Merry Place?
5 A. Well, with that question, you are
6 kind of asking for the answer. And during the course
7 of the testimony, I have heard other witnesses
8 describe first and foremost an estimation of the
9 sewerage overflow, as well as an assignment of a peak
10 factor or factor of safety on top of that that is
11 used for estimating the size of the tank.
12 So the short answer is in my
13 opinion, the 1.5 MGD is the appropriate size for that
14 flow equalization tank.
15 Q. Your opinion that the appropriate
16 size is 1.5 million. What factors is that opinion
17 based on?
18 A. Well, again, there's a lot that goes
19 into that. We can start with I guess the type of
20 documents that I would use or Fred would use in
21 looking at this situation. And, remember, the
22 situation is that Haverford Township at the RHM
23 office is experiencing SSOs. They are sewerage
24 overflows that are leaking from the system into the

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1 creek.
2 Type of guidance documents,
3 regulatory documents that we use, one is something
4 called the Wastewater Facilities Manual. It is a
5 D.E.P. document dated October 1997. That's based off
6 of something called the Ten States Standards and
7 that's basically the design manual for sanitary sewer
8 wastewater treatment systems.
9 So with that, we use that document
10 to apply it to this situation. We use it for sizing
11 pumping stations, sizing sewerage collection and
12 conveyance systems. And this is a little bit unique
13 in terms of looking at how to deal with these SSOs.
14 And one tool or solution is a flow equalization tank.
15 Now, how do you use these documents
16 to come up with 1.5 million gallons? Well, it's a
17 step by step process. The first is an estimation of
18 the overflows. How much flow are we talking about?
19 I can talk a little bit later about
20 sort of my opinions and how you get there, but
21 assuming that say a half a million gallon is the
22 right number, that becomes the basis of your starting
23 point.
24 There is also something that is a

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1 supplement to the Wastewater Facilities Manual called
2 the Draft Pump Station Guidance document that D.E.P.
3 uses for sizing pumping stations.
4 And based on these type of flows, it
5 recommends a factor of safety or peak factor of three
6 to four applied to those flows. And I have looked at
7 the testimony. You have heard it that three is
8 recommended by Fred Williams. Willie Gomez also
9 previously testified. His recommendation was 3 to 4.
10 And I would agree with that. That
11 in designing sewerage systems, looking at the sizing
12 of a pumping station, because, remember, when the SSO
13 occurs, if this flow equalization tank is installed,
14 it will overflow into a pump station. That pump
15 station needs to be sized using that 3 to 4 peak
16 factor, which then pumps the flow up to the flow
17 equalization tank.
18 There's other areas of the
19 Wastewater Facilities Manual that talks about sizing
20 of sanitary laterals or interceptors, and those peak
21 factors range from anywhere from two-and-a-half to
22 four.
23 So everything that is being talked
24 about in this hearing, that three to four range, is

<p style="text-align: right;">Page 17</p> <p>1 appropriate in my opinion. And it is what I would 2 use if I was designing this flow equalization tank. 3 Q. Is that opinion of a three to four 4 peak safety factor held to a reasonable degree of 5 engineering certainty? 6 A. Yes, in my opinion. 7 Q. You have heard the testimony 8 regarding the reported SSOs to D.E.P., and have you 9 reviewed the documents submitted by RHM to D.E.P. 10 reporting those SSOs? 11 A. I have reviewed the most recent 12 document that was entered into testimony, I believe, 13 at two hearings ago. 14 Q. Would that be Exhibit A-6? 15 A. Yes. 16 Q. And those are the SSOs reported in 17 December of 2009 and January and March of 2010? 18 A. Yes. It actually was a report of 19 five SSOs: December 9th, December 26th both of 2009; 20 January 25th, March 13th and March 30th, 2010. 21 And the estimations I believe range 22 anywhere from about 75,000 gallons for a SSO on 23 December 9th; and then there was a maximum of 24 approximately I think it was 1.28 million gallons on</p>	<p style="text-align: right;">Page 19</p> <p>1 you might have an SSO. Why is that? 2 Well, during those periods of time 3 the ground can be frozen, there's no leaves on the 4 trees, the grass cover is very sparse in the 5 wintertime, the ground could be frozen, there could 6 be snow on the ground. 7 All of these factors lead to more 8 rainwater coming off of your streets and homes and 9 getting into your sanitary sewer system. 10 And despite all the good work that 11 RHM and the communities in those systems do to try to 12 reduce the I and I, the system is so immense, the 13 pipes and joints, there are so many, that you just 14 can't get everything. 15 So those conditions are ripe for a 16 lot more flow getting into the system and the 17 potential for an SSO. 18 So they know when it could happen. 19 And when it does happen, RHM has a good protocol for 20 being able to kind of document it, estimate it and 21 report it. Those are all requirements for an 22 authority or a municipality, whoever witnesses that 23 SSO and who is responsible for ownership of that 24 system.</p>
<p style="text-align: right;">Page 18</p> <p>1 the March 13th event. 2 Q. Based on your review of the 3 testimony and the documents, do you hold an opinion 4 as to the reasonableness and the accuracy of those 5 estimates? 6 A. Yes. At the November 5th hearing I 7 believe it was, a half a million or 500,000 gallons 8 was discussed as the basis for the design of the flow 9 equalization tank. And I have spoken to Fred at 10 length about his method of estimating these flows. I 11 have also reviewed the testimony where it was 12 discussed as well. 13 And really the way that he analyzed 14 it and estimated it is the way I would do it and it 15 is the way that most engineers would do it in this 16 situation. 17 An SSO is a pretty chaotic and 18 abrupt and unpredictable event. There are certain 19 indicators that would lead the Authority to 20 anticipate that an SSO might be occurring. 21 You heard it talked about in 22 previous it testimony that generally between December 23 and April, conditions are ripe where there is a 24 potential that that system is going to overflow and</p>	<p style="text-align: right;">Page 20</p> <p>1 So when you see it, the first thing 2 you do is you document about when it starts coming 3 out and where it is coming out. Is it in the manhole 4 next to the office? Is it a meter station or manhole 5 across the street? They have a good staff out there 6 that gets right on it. They find out what's going on 7 and they time it. So time element is an important 8 part of estimation. 9 The second thing is trying to 10 estimate how much flow is coming through a raised 11 cover that's popped out of the ground. Sometimes 12 these SSOs are so violent, it can pop the whole thing 13 and the rim itself is like a bottle top and it flips 14 off of the cover and lands next to the manhole. 15 So through visual observation, we 16 know what the size of the manhole diameter is, 17 estimate the depth of flow coming out of it. There's 18 ways of estimating the velocity from the point of the 19 manhole to where it might be leaking into the creek. 20 With that, you also look at what 21 might be discharging into the pockets of land next to 22 Merry Place or wherever it is happening. So through 23 calculations of the area, the depth, it is actually 24 sitting within these pockets of land, this is all</p>

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1 leading to how much, how much volume is actually
2 getting out of the system.
3 And then you time it when it stops.
4 So it was reported I think back in November with the
5 half a million gallons. It was approximately
6 11 hours. So if you know these factors, the
7 velocity, the approximate area, and you throw all of
8 that together and you can estimate what that volume
9 is. That's how it is done.
10 It is reported to D.E.P. To my
11 knowledge, D.E.P. has accepted the data provided by
12 RHM, and it is what it is. Some might think, well,
13 there has to be a cleaner way to do that. Shouldn't
14 there be a way to meter this SSO. It just doesn't
15 work that way. Like I say, it is abrupt, it's
16 chaotic. You are not sure where it is going to come
17 out either time. You do your best using your
18 judgment as an engineer to estimating that volume.
19 Now, a guy like Fred, he can pop the
20 manhole cover and look down in that interceptor. He
21 knows it is a 36-inch reinforced concrete pipe,
22 whether it is flowing a quarter full, half full,
23 based on his knowledge and experience of that system,
24 he also knows all the metering data. He knows that

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1 the system probably operates from anywhere seven
2 million gallons a day, all the way to 20 million
3 gallons a day before an SSO is going to occur.
4 He has the judgment and experience
5 to kind of visually provide some proportionality to
6 what he's looking at and he uses those same skills to
7 estimate what he sees coming out of the manholes.
8 The other thing that I did and what
9 Fred would do is, when you estimate this SSO, is it
10 proportionate? Does it make sense? So you don't
11 just rely on those calculations.
12 So, for example, just some examples,
13 what does a half a million gallons mean? Well, if
14 you had an eight-inch diameter PVC pipe at a one
15 percent slope, that's about the same volume, that
16 half a million gallons over an 11-hour day.
17 So the existing interceptor is
18 36-inch RCP. It is reasonable to me that you are
19 talking about an eight-inch pipe that's overflowing
20 that half a million gallons over 11 hours. If I did
21 that same analysis and it was telling me it's a
22 42-inch diameter pipe, I would say the
23 proportionality is way wrong there.
24 So I think it meets that little

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1 litmus test. Half a million gallons is about the
2 size of a football field or an acre or about
3 18 inches deep of water.
4 Again, you look at the size of Merry
5 Park, the nooks and crannies that you have there. It
6 is kind of reasonable. I'm not saying that a full
7 football field sits in Merry Park, but you get
8 packets and plus whatever discharges into the creek,
9 it kind of makes sense.
10 The last thing you look at is, okay,
11 how does the half a million gallons, how is it
12 proportionate to the flow in the interceptor. That's
13 why I said on an average day, it is about seven
14 million gallons. When you have a pretty normal rain
15 event, it is maybe 10 million gallons a day.
16 So a half a million gallons against
17 10 million is about five percent of the flow. So if
18 I am looking at that estimation and it is 50 percent
19 or 100 percent, I would say wait a minute, something
20 is out of whack with this calculation. But again in
21 my opinion, five percent of the flow is reasonably
22 proportionate to what kind of flows these guys
23 experienced in their interceptor.
24 Q. Do you have an explanation for Mr.

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1 Cirulli's observation that the estimated amounts of
2 these SSOs which were reported to D.E.P. are not
3 proportionate to the reported rainfall on those
4 dates?
5 A. It kind of -- I understand that you
6 know there would be, you would think that there
7 would be a correlation between the more it rains, the
8 more the SSO would be, but it just doesn't work that
9 way.
10 Like I said, we know when conditions
11 are favorable and there is a chance of an SSO if you
12 get the right amount of rain. But there is really no
13 way to correlate how much rainfall versus what the
14 SSO is going to be.
15 So you can get a lot of rain when it
16 is really dry in the summertime and you may not get
17 an SSO. That's because there's leaves on the trees
18 that are sucking the rain in. There is really good
19 grass absorbing it. The ground is taking it in. It
20 is not going into the sewer.
21 But when we have a winter like we
22 had this year, we had an unprecedented snowfall -- at
23 one point we had almost 30 inches of snow -- and I
24 think it was the March SSO, you got snow on the

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1 ground, the ground is frozen, the groundwater table
2 is high, everything is running off into the sewer.
3 Even though you only get maybe three
4 inches of rain, those conditions are perfect for that
5 system just to fill up, and it just can't take it and
6 it just starts busting out of the manhole and the
7 meter stations.
8 Q. In your opinion, does the kind of
9 situation with two or three SSOs reported to D.E.P.
10 every year pose a threat to the health and safety of
11 the citizens of Haverford Township?
12 A. Yes. I mean any time you have
13 sewerage coming onto the ground in an area where
14 people frequent that park, there is a potential for
15 people to come in contact with sewerage, which is not
16 a good thing.
17 And also that sewerage, which is
18 getting into the creek, it is polluting that aquatic
19 environment that you have there.
20 Q. Are these reported SSOs a violation
21 of state or federal law?
22 A. Yes, both.
23 Q. I am going to show you what's been
24 marked Exhibit Number 24 and ask you if you can

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1 identify that?
2 A. Yes. This is a letter dated
3 June 23, 2004 from Pennsylvania Department of
4 Environmental Protection. It's a letter to Haverford
5 Township. And this letter -- and I believe this was
6 a letter that was sent to all municipalities in
7 Delaware County. It was simply a reminder from
8 D.E.P. to municipalities of their responsibility
9 under the Clean Streams Law to properly manage,
10 operate and maintain their collection system.
11 And with that, what does that mean?
12 Keep it in good working order, keep storm sewer out
13 of the system, continue efforts to reduce I and I.
14 So it doesn't happen by itself. You have to spend
15 money, devote resources and manpower to fixing your
16 system. The I and I is very illusive so you have to
17 keep on it every year.
18 But it is also alerting
19 municipalities of that responsibility that if an SSO
20 is to happen, it is the owner of that facility's
21 responsibility to report that SSO to D.E.P.
22 So if the SSO happens in a Haverford
23 Township collection system, it is Haverford
24 Township's responsibility to report that. If it

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1 happens at RHM in their line, it is RHM's
2 responsibility to report that.
3 Q. You are the engineer for Aldan
4 Borough. Did Aldan Borough receive a similar
5 notification in 2004 about its responsibilities?
6 A. Yes.
7 Q. You heard some discussion about RHM
8 reporting SSOs to D.E.P. In those municipalities
9 which do not have a sewer authority, whose
10 responsibility is it to report SSOs to D.E.P.?
11 A. It's the owner of the system's
12 responsibility. So if the municipality owns the
13 system, it is their responsibility to report it.
14 Q. You were present when Mr. Salvucci
15 testified and you also heard Mr. Williams testify
16 about the proposed interceptor line which has been
17 discussed for the Darby creek interceptor.
18 Are the cost estimates that we have
19 heard \$20 million for the engineering and 40 to 60
20 million dollars for the land acquisition and
21 construction of the interceptor fair and reasonable
22 in your opinion?
23 A. I believe so.
24 MR. KANE: How much was that?

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1 MS. LABRUM: 20 million for
2 engineering and 40 to 60 for land acquisition, legal
3 and construction.
4 MR. KANE: That's higher than I
5 remember them testifying.
6 THE WITNESS: I do recall reviewing
7 the testimony and I was here for that. I think it is
8 more important to, in my opinion, look at the
9 magnitude of the cost. At this point, it is hard to
10 estimate with any accuracy exactly what it is going
11 to be.
12 My understanding in those
13 discussions about \$20 million, it wasn't just for
14 engineering. It was for planning alternatives
15 analysis. I think it goes through anywhere from 9 to
16 12 municipalities.
17 So a study of whether or not
18 additional right-of-way would be needed for that if,
19 in fact, you do have to run a parallel interceptor
20 and you do need additional right-of-way, there is
21 literally probably hundreds of properties along the
22 way that would have to be reviewed, contacted,
23 right-of-way obtained. So there is cost and time
24 associated with that.

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1 Relative to the construction number,
2 40 to 60 million, I think these are order of
3 magnitude numbers. I don't know exactly what it will
4 be, but in my opinion and my experience, a project of
5 that magnitude is going to be in that order of
6 magnitude.

7 MR. KANE: Have you researched that
8 at all?

9 THE WITNESS: I haven't done any
10 research, but just based on the work I have done with
11 all sorts of municipal systems, I know what it takes
12 to deal with so many municipalities and an
13 interceptor of that size.

14 So from what I know, that's in the
15 order of magnitude that I would guesstimate.

16 BY MS. LABRUM:

17 Q. I'm going to hand you what's been
18 marked Exhibit Number 23, and can you describe for
19 the Board what Exhibit 23 is.

20 A. This is something called the Flow
21 Equalization Tanks in Collection and Conveyance
22 Systems. It is a D.E.P. guidance document. It is
23 actually a draft document. I don't know why they
24 have the word Draft stamped seven times at the top,

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1 but it is a draft document and it seems a little
2 strange, but D.E.P. does this on occasions. They
3 publish these draft documents and I'm not exactly
4 sure why they don't become formalized, but this is
5 what they end up using as their own internal policy
6 for evaluating sewer projects. And in this instance,
7 this is their internal guidance document for
8 evaluating the planning and design of a flow
9 equalization tank in a situation very similar to what
10 RHM is doing.

11 MR. KANE: P.J. -- it is easier to
12 call you P.J. -- they never make them formal? I mean
13 they are always marked draft?

14 THE WITNESS: I'm not saying
15 always. I am saying occasionally they come out with
16 these draft documents and that's as far as it goes.
17 I couldn't begin to tell you why they don't go any
18 further than that, but all I do know is that as an
19 engineer for a system, this is what we have to deal
20 with.

21 MR. KANE: So are they official
22 guidelines if they are marked Draft or are they sort
23 of what they follow?

24 THE WITNESS: I guess there is the

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1 law and then there is the actual sort of
2 interpretation and implementation of the strict
3 letter of the law. And you need these type of
4 guidance and I guess design manual type of documents
5 that is something to communicate to the regulated
6 community exactly what they want to see.

7 If you follow just the printed
8 regulation, it doesn't tell you a lot about how to
9 get from point A to point B. So this is their
10 attempt to provide guidance. And this is exactly
11 what they look at when they see an application for a
12 flow equalization tank.

13 For instance, I've looked into there
14 is a Manayunk tank that was discussed in earlier
15 testimony on Venice Island. It's a Philadelphia
16 Water Department. They would be following these
17 guidelines in their planning and design.

18 I have looked into flow equalization
19 tank for Einstein Medical Center in East Norriton.
20 There are actually some documents that are published
21 which are the review comments from D.E.P., and
22 probably half of their comments to the design package
23 are relating specifically to the numbered items in
24 this document here.

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1 BY MS. LABRUM:

2 Q. In response to Mr. Kane's question,
3 this document is not law, but who is going to use
4 this document and can you describe to the Board how
5 they are going to use this document in relationship
6 to the application by RHM?

7 A. Well, for one, D.E.P. is going to
8 use this document to review the application. And,
9 number two, RHM and its engineer will use this
10 document to prepare the planning document and the
11 design document to obtain that approval.

12 And in the first paragraph, what
13 this says is D.E.P. recognizes even municipalities
14 and authorities that have implemented aggressive I
15 and I programs, sometimes you are going to have SSOs.
16 So even though everybody is trying or many people are
17 trying their best to reduce the I and I, sometimes
18 this is going to happen.

19 So what they acknowledge, they call
20 this a responsible tool. That even though you are
21 doing a good job aggressively pursuing the I and I,
22 it is a tool that would be effective in reducing and
23 hopefully eliminating as many SSOs as possible.

24 And the numbered items that go along

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1 with this, the 16 of them, it is a little bit of the
2 formula that they are looking for. One is they are
3 letting applicants know that they expect that there
4 is a planning document that needs to be submitted.
5 There is something called the Act
6 537 plan. I know that Fred and RHM have had some
7 discussions with D.E.P. It is something called a
8 special study. So in that special study they would
9 provide things like the plan that you have seen, the
10 estimation method for the SSOs, how they arrived at
11 their peak factor, how they sized that tank.
12 They also indicate that once the
13 planning is approved -- and that is the first step --
14 that they have to buy into the plan. And once that
15 is approved, they want to see all the engineering
16 details that go into the actual design before they
17 will issue the permit.
18 A couple of other things that they
19 talk about here is things that they will want to see
20 as part of your planning and your permit document.
21 Such things as that they want to make sure that it is
22 a fully automated system so that when that SSO
23 happens, that these pumps are automatically turned on
24 to send that flow up into the tank.

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1 They want to know that it is
2 alarmed. So here in item number nine, they require
3 both an audio and a visual alarm system.
4 They want to know, you know, there
5 has to be a pumping and hauling plan. If the tank
6 reaches 90 percent capacity, what does the authority
7 do when it reaches capacity?
8 They want to know what is your
9 safety protection plan against unauthorized acts by
10 third parties. They want to know how you are going
11 to maintain that tank.
12 They also want to know about
13 decommissioning plan. So they do talk about whether
14 it is a temporary or permanent solution.
15 I know in the testimony here, that
16 RHM has indicated that if, in fact, that parallel
17 interceptor comes into play or if somehow all the I
18 and I work just becomes so effective, that the SSOs
19 starts -- stop occurring, the flows start going down
20 and if it is determined there is no need for that
21 tank, the decommissioning plan states all of the
22 parameters that go along with that and what it would
23 take to remove that tank.
24 They talk about an inspection tank

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1 and they also talk about a daily log, something
2 called a discharge monitoring report. So any time
3 that an SSO happens, sewerage goes up into that tank,
4 RHM is required to submit a report to D.E.P.
5 documenting each time what was the duration of it,
6 how much flow. And now we will have a real good way
7 of telling exactly how much flow is basically
8 occurring in these SSOs.
9 Q. If you would turn your attention to
10 item number three on the draft regulations, it says
11 --
12 A. Oh, yeah. Basically -- and this is
13 important. I should have brought that up -- flow
14 equalization tanks should normally be installed in
15 the conveyance system where sewerage overflows are
16 occurring. Applicants must provide justification for
17 installing tanks in other locations.
18 So as RHM has done, they have looked
19 at I think it is three or four locations and
20 certainly they are following these guidelines, is
21 where it is happening, that's where you should deal
22 with the overflow.
23 So what D.E.P. expects is that you
24 are going to be as close to that occurrence with your

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1 tank as is reasonable. I don't think that they would
2 look favorably on a very remote tank that you have to
3 pump great distances to get to it. It is happening
4 where it is happening and they expect you to deal
5 with the problem where it is happening.
6 Q. If this Board were to grant the six
7 and a half foot variance, and if the township were to
8 grant RHM a lease in order to build the tank, what
9 would RHM still have to do with D.E.P. in order to be
10 granted permission to build this flow equalization
11 tank?
12 A. As I said, the first thing would be
13 to prepare the special study, which is the planning
14 document. And the information that's outlined in
15 this draft document would have to be supplied as part
16 of that. D.E.P. would review that and determine
17 whether or not they have fulfilled these
18 requirements. So that would be the first step.
19 After that special study is
20 approved, the next step would be to provide even more
21 detailed information relative to the design and
22 construction both the design calculations, design
23 package, engineer's report and the construction
24 plans, they would all be reviewed by D.E.P. prior to

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1 issuance of that construction permit.
2 Q. You've heard the proposed tank
3 characterized as a Band-Aid. Do you believe that is
4 a fair characterization of the proposal?
5 A. No. I think it is not quite
6 accurate. I like to use the word tool. That's what
7 D.E.P. uses in their guidance here. You can agree or
8 disagree with it, but it is certainly a tool that
9 will be effective. It is acceptable to D.E.P. and
10 definitely worthy of consideration here in Haverford
11 Township.
12 Certainly RHM, as I said earlier,
13 they know their system. They know the flows that
14 come and go into the system. They have looked at
15 things like a parallel interceptor downstream of
16 them. And they are actively pursuing that and they
17 are talking to Darby Creek Joint Authority about
18 that, but that's a very long range type of solution.
19 So while that discussion is going
20 on, you still have overflows that are going to happen
21 in Merry Place, so it has to be dealt with. They
22 also have one of the best I and I programs around.
23 It has been effective, but it is certainly not
24 dealing with everything situation.

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1 So while you continue to implement
2 your I and I program, while you pursue long-range
3 solutions, this equalization tank is a short-term
4 solution.
5 Now, when you think of short term
6 for sewerage systems, you are not talking six months
7 to a year. It could be 5 to 20 years that this
8 so-called short-term solution is in place. You have
9 to remember these interceptors have been in place,
10 some of them, since the 1920's. So long-term in the
11 life of a sewer system could be 50 to 150 years.
12 So when you use terms like short-
13 term and long-term, you have to keep it in context of
14 these sewerage systems.
15 Q. Commissioner D'Emilio asked at the
16 November 5th meeting whether of the SSOs reported to
17 D.E.P. since 2006 -- there had been six reported as
18 of that November 5th hearing and we have now reported
19 four more occurring in December and March -- how
20 many of those SSOs would have been prevented if the
21 tank as proposed by RHM was in place?
22 A. Well, since you have I guess about
23 75,000 at the lowest end and up to 1.3 million on the
24 upper end, if you put in a 1.5 million gallon tank,

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1 in my opinion, every one of those SSOs would have
2 been collected and sent to that tank.
3 And I think in a way, this data kind
4 of speaks to the peak factor of three. This winter
5 that we had is I think unprecedented with the amount
6 of snow and rainfall that we had. It could be a very
7 long time until we get these type of conditions again
8 where you are going to get SSOs so frequent and with
9 the magnitude.
10 And the fact that we had that type
11 of occurrence five SSOs in that short period of time
12 and the biggest one as 1.3, well, with that peak
13 factor, we would have dealt with every one of SSOs.
14 So there is no overflow, there's no people come in
15 contact with sewerage, it is not polluting the creek.
16 Now, in your normal years, you are
17 ranging in one to two SSOs. Sometimes they are
18 smaller. Could be less than 75,000 up to a half
19 million. So in those years, yes, there is the tank
20 that has the capacity to deal with that.
21 But if you are trying to get as many
22 of those SSOs and trying to eliminate as many as
23 possible, this tank appears to be the solution here.
24 Q. Do you have an opinion as to the

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1 estimated length of time it is going to take to
2 complete the parallel interceptor from Radnor through
3 all of the municipalities to the D.C.J.A. and DELCORA
4 facilities?
5 A. Yes. I'm not going to be the first
6 to say this, but in the previous testimony it was
7 discussed as well by Mr. Salvucci, but when you have
8 nine municipalities that you have to work together,
9 and I'm not aware that anybody downstream or even
10 D.C.J.A. feels that this is problem, enough at this
11 point to devote a lot of attention and energy at this
12 point to a parallel interceptor.
13 So to get everybody to commit to it,
14 to recognize that there is a problem. And then
15 because you're dealing with so many municipalities,
16 devoting the financial resources to see this through,
17 the studies, the planning, purchasing possible
18 right-of-way, I mean it could be 15 to 20 years I
19 think if everybody is working together. And if you
20 don't get everybody to agree on it, I don't know when
21 it would happen.
22 Q. Do you have an opinion to a
23 reasonable degree of engineering certainty as to the
24 best way to currently, the best way currently

<p style="text-align: right;">Page 41</p> <p>1 available to RHM to address the SSOs which are 2 occurring at Merry Place? 3 A. Yeah. I think RHM is doing it the 4 right way. As I said, they are having discussions 5 with D.E.P. and Darby Creek Joint Authority to look 6 at that long-term solution of a parallel interceptor. 7 Second, they've implemented and 8 continue to implement an aggressive I and I program. 9 And also not only on their only interceptor, but they 10 assist their member municipalities on their 11 collection systems. So they are doing as good as you 12 can do to try to reduce that I and I. 13 And, thirdly, while these two 14 measures are being implemented, they have come to the 15 community with a solution to minimize and hopefully 16 eliminate the overflows that are occurring, and 17 that's this flow equalization tank. 18 MS. LABRUM: I have no other 19 questions, if the Board has questions for this 20 witness. 21 MR. KANE: First we will go to Mr. 22 Byrne. 23 CROSS EXAMINATION 24 BY MR. BYRNE:</p>	<p style="text-align: right;">Page 43</p> <p>1 very similar to this storm-water management, 2 detention, underground type of systems. 3 And this is a fairly basic design. 4 It's a volume design, which most engineers would have 5 no problem doing. In fact, the storm-water design is 6 actually a lot more complex than this because we are 7 not only dealing with creating the volume for it, 8 when we design a storm sewer system, we also have to 9 know, we have to route the storm through the 10 structure and then to come back to the design of that 11 volume. 12 Q. I understand all of that with 13 respect to storm water, but we are talking about 14 somewhat of a different animal when we are talking 15 about between storm water and wastewater, are we not? 16 A. It is different, but there are 17 similarities. 18 Q. And the answer to my question really 19 is neither you nor Mr. Williams have any experience 20 with this type of tank that we are talking about 21 putting in here? 22 A. Yeah. And there is actually -- this 23 document is actually fairly new. It is 2005. And I 24 have spoken to a few members of D.E.P. and it is</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Mr. Close, you will agree with me 2 that this is a large sewerage overflow tank, is it 3 not? It would be considered a large tank? 4 A. What basis? I don't know -- 5 Q. If you take a look at the draft 6 regulations that you showed us from D.E.P. that I 7 think was Exhibit 25, they talk about large 8 above-ground tanks. Is this a large above-ground 9 tank? 10 A. I guess if you compare the Manayunk 11 tank, it is five million gallons, and I think they 12 may be multiple tanks. 13 Q. Would D.E.P. consider this a large 14 above-ground storage tank? 15 A. In terms of their document, yes, 16 they would. 17 Q. Now, as talented as both you and Mr. 18 Williams are -- I don't mean that in any demeaning 19 manner -- neither of you ever had any experience with 20 these type of systems, have you? 21 A. With this specific flow equalization 22 tank for this particular situation, no, I have not. 23 However, in my role as an engineer, I have designed a 24 significant number of volume type systems which are</p>	<p style="text-align: right;">Page 44</p> <p>1 fairly new that they have been approached with these 2 type of requests. They have been looking more and 3 more seriously at creative ways to minimize pollution 4 events to local municipalities like a Haverford 5 Township and their streams. 6 They are getting more and more of 7 these requests like I mentioned in the Manayunk 8 situation and in the East Norriton situation. So the 9 volume of these requests have been increasing but, 10 no, there haven't been a lot of these before the 11 recent occurrences. 12 Q. In fact, when you talked to D.E.P., 13 did they tell you that the Department has concerns 14 about the stability and maintenance of large 15 above-ground holding tanks? 16 A. Yeah, they mention that in one of 17 their items here. And they do ask that any proposals 18 for these tanks address the stability and maintenance 19 concerns of the tanks. 20 Q. That would be number 13 on that 21 document. Is that right? 22 A. Yes. 23 Q. If I am reading it right, it says 24 almost exactly the same as I asked you in the</p>

1 question. The department has concerns about the
 2 stability and maintenance of large and above-ground
 3 sewerage holding tanks. Is that right?
 4 A. Yes, because one of the things that
 5 they recognize is a tank of this nature has to be
 6 located somewhere. And often times it is located
 7 within a community like this. So this guidance
 8 document really strives to address that the concerns
 9 of local community may have that the tank is put
 10 within a neighborhood.
 11 So they certainly want to make sure
 12 that when you design this, that, yes, they are
 13 concerned with the stability, but make sure that you
 14 design it and plan it so that it is done properly.
 15 Q. And I agree with you about that.
 16 And, in fact, the rest of that sentence in paragraph
 17 13 goes on to say: Proposals for flow equalization
 18 tanks must address maintenance concerns. Is that
 19 right?
 20 A. That's correct.
 21 Q. Above that in number 11, it talks
 22 about planning in furtherance for flow equalization
 23 tanks must include an odor prevention plan for
 24 reducing or eliminating any odors that are generated

1 for a temporary holding tank. Is that right?
 2 A. That's correct.
 3 Q. Number 12 says: The plan must
 4 include a safety protection plan that provides for
 5 safety and protection from unauthorized acts by third
 6 party. Is that right?
 7 A. Yes.
 8 Q. And number 14 says proposals for
 9 temporary flow equalization tanks must be include a
 10 decommissioning plan for the elimination of a
 11 temporary holding facility in conjunction with the
 12 cap that will eliminate the need for the tank. Is
 13 that right?
 14 A. That's right.
 15 Q. And you have mentioned that you have
 16 read all the testimony that's here, that has been
 17 presented, and actually you were here for a couple of
 18 meetings?
 19 MR. KANE: Mr. Byrne, I don't think
 20 -- and that's one of the questions I was going to ask
 21 -- I don't think he said he was either present or
 22 read, and that was a question that I was going to
 23 ask, so if you don't mind, I will interject that
 24 question at this point. Let me just ask, P.J., have

1 you either read the transcripts or been present for
 2 every single hearing?
 3 THE WITNESS: Yes.
 4 MR. KANE: Okay, go ahead.
 5 BY MR. BYRNE:
 6 Q. So you are familiar with all the
 7 testimony that has been presented?
 8 A. Yes.
 9 Q. And, likewise, I have been here for
 10 the whole time and maybe you can correct me if I am
 11 wrong, but I didn't, while we were here, see a plan
 12 for odor prevention or for reducing or eliminating
 13 odors that would be generated from the temporary
 14 facility?
 15 A. You wouldn't. Remember, Jim, this
 16 is a process, not all of the design and everything
 17 happens at one time. So the purpose here is for a
 18 height variance from the Zoning Hearing Board of
 19 Haverford Township.
 20 Certainly when it comes time to
 21 submit the special study, all of this data has to be
 22 packaged together in a form acceptable to D.E.P.
 23 Certainly as part of the preliminary
 24 design, the conceptual design that has already

1 occurred, RHM and its engineers have been reviewing
 2 this document and they are formulating all of the
 3 data that's necessary to address these items that are
 4 part of this.
 5 Q. Okay, now, you have said you have
 6 testified as an expert in zoning hearings. Is that
 7 right?
 8 A. Yes.
 9 Q. You will agree with me, won't you,
 10 that one of the factors -- there's five factors that
 11 you really have to review when you are asking for a
 12 variance. Isn't that right?
 13 A. Yes.
 14 Q. Isn't one of the factors there
 15 wouldn't be any detriment to the public health,
 16 safety and welfare?
 17 A. Yes.
 18 Q. Wouldn't each of these plans that
 19 D.E.P. wants to see with respect to odor prevention,
 20 number 12, it talks about a safety protection plan
 21 for unauthorized act by third parties, we didn't have
 22 that here either yet, did we? That hasn't been
 23 presented in any of the testimony, a safety plan to
 24 protect from unauthorized?

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1 A. There hasn't been an official plan,
2 but there certainly was discussion about the height
3 of the tank and access and the, I guess, the caged
4 ladder to prevent kids from climbing up the ladder.
5 Q. But wouldn't each of the plans that
6 D.E.P. wants to see to evaluate whether -- to
7 evaluate and help with their concerns for these
8 above-ground, these large above-ground storage tanks
9 be concerns that this Board, who has to make a
10 judgment when granting a variance to the public
11 health, safety and welfare, wouldn't each of those
12 plans be important to them to evaluate as well?
13 A. Well, you had asked about my
14 experience about testifying before zoning hearing
15 boards, and my experience is the level of detail at
16 an earlier stage for a height variance may not have
17 to be as much level of detail that you would require
18 for the detailed design approval and permitting.
19 And I have seen in my experience
20 that when a zoning decision is made, one of the
21 conditions could be that the approval is subject to
22 the approval of the regulatory authority having
23 jurisdiction over that application.
24 MR. BYRNE: Thank you. That's all

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1 I have.
2 MR. KANE: P.J., you testified that
3 this tank would have mitigated all of the SSOs that
4 occurred over the last five years, right? That's
5 what you said when Kathy asked you.
6 THE WITNESS: Yes, based on the
7 fact that all of the flows documented were less than
8 one and a half million gallons, yes.
9 MR. KANE: What would happen if the
10 tank, if the creek overflowed? Would they be able to
11 pump into the tank?
12 THE WITNESS: Well, in that
13 scenario, often times you will see that situation in
14 a maybe a summer hurricane, the conditions are dry
15 but you get such an inundation of water that it could
16 overflow the banks.
17 And in my discussions with John
18 Reardon and Fred, it's been a relatively rare
19 occurrence. I think maybe two to three times that's
20 occurred since the early 70's.
21 But in the event that that happens,
22 there is going to be a time when the storm occurs and
23 excessive flow potentially starts to leak from the
24 manhole. It may happen that it starts to leak before

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1 the creek comes up. So certainly those pumps would
2 kick on and start pumping up to the tank. And then
3 as the creek starts to rise and the pumps are
4 working, there will come a point where the creek
5 would come up and it will start to overflow over top
6 of that pump. And it will have to kick off at that
7 point because there is only so much capacity going up
8 into the tank and an SSO would occur.
9 MR. KANE: But you would be pumping
10 creek water, right?
11 THE WITNESS: That's right.
12 MR. KANE: So if the creek
13 overflows and an SSO was occurring, it wouldn't able
14 to handle that SSO, it wouldn't alleviate that,
15 correct?
16 THE WITNESS: In that instance, no.
17 It would pump as much as it could up to the size of
18 the tank and then there is an automatic shut-off that
19 would occur. And I believe there also would be a
20 manual override where the staff sees that the creek
21 is starting to come up, they would shut off that
22 tank. And in that instance, there would be a
23 potential SSO, that's right.
24 MR. KANE: Do you know with any

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1 specificity how many times the creek has overflowed?
2 You said three or four or five times.
3 MS. LABRUM: I can present that
4 testimony in a moment. Two times since 1963, both
5 hurricanes. Mr. Reardon will testify.
6 MR. KANE: He is going to testify
7 that Darby creek at Merry Place has only overflowed
8 twice?
9 MS. LABRUM: Three times,
10 hurricanes, and I think he has the years for you.
11 MR. KANE: But in those
12 circumstances, the tank would not prevent an SSO from
13 occurring. Is that correct?
14 THE WITNESS: Depending on the
15 situation, yes. There is a potential that an SSO
16 would occur.
17 MR. KANE: Did those circumstances
18 exist in any of the SSOs in the past five years if
19 you know?
20 THE WITNESS: To my knowledge, I'm
21 not aware of any of those situations, but --
22 MR. KANE: So you don't know?
23 THE WITNESS: I don't know.
24 MR. KANE: It's okay. What's a

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1 diurnal flow?
2 THE WITNESS: That's in a sanitary
3 sewer system, diurnal means there's two times
4 basically. Mr. Salvucci testified to this. At the
5 morning time around 8 to 9 o'clock in the morning
6 when people are showering, the flows start to spike
7 up because a lot more people are using their water.
8 When people go to work, the flows come down. People
9 come back from work at night, cooking dinner, you are
10 using a lot more water; the flow starts to come up.
11 That's the second spike on the curve. When the kids
12 are taking their showers and kids go to bed the flows
13 starts going down.
14 MR. KANE: In number 6 --
15 MS. LABRUM: That's Exhibit 23.
16 MR. KANE: I don't know if Mr.
17 Byrne asked you about Number 6, an aggressive I and I
18 program, what does that mean? What's the spirit of
19 this paragraph?
20 THE WITNESS: Well, what they are
21 saying is they don't want an authority or
22 municipality to come to D.E.P. with a request for a
23 flow equalization tank if they are doing nothing to
24 maintain and correct the inflow that's coming into

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1 their system. So you just can't use the tank as your
2 only method to try to deal with the situation.
3 So if you were in that instance,
4 they would reject your request. What they want to
5 see is a proactive, aggressive, ongoing documented
6 process of reducing I and I in your system.
7 So and they acknowledge right in the
8 first paragraph, even when that happens, you are
9 still going to have some SSOs. And at that point,
10 they would consider a flow equalization tank.
11 MR. KANE: Because from what I have
12 heard, it sounds like it's been described as an
13 impossible scenario to put a new interceptor line in
14 either because of cost or easements or rights-of way
15 between here.
16 And I haven't heard anybody say we
17 are going to pursue that it is a possibility. I have
18 heard people say we can't do that because it is going
19 to cost. Tonight is the highest number I have heard
20 yet that I recall hearing, but I haven't heard
21 anybody say we are going to pursue that, and this is
22 temporary.
23 I have heard them say this is
24 temporary, but everything else seemed impossible,

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1 thus, leading to the conclusion that this is more of
2 a permanent remedial action.
3 THE WITNESS: Nothing is
4 impossible. It certainly will take a significant
5 effort as I talked about. D.E.P., as part of the
6 approval of this tank, they are very much aware of
7 RHM's system and all the systems in Delaware County,
8 and they really stay close to the situation.
9 So they will carefully look at this
10 request and they will carefully monitor the tank and
11 they will make sure that there is continued I and I
12 work, as well as pursuit of that long-term solution.
13 So they are not going to just
14 approve it and then just walk away and everybody is
15 going to assume, well, it is impossible; we are not
16 even going to try it; let's just have the tank sit
17 there. That's not the way that they operate.
18 And I believe as RHM said that they
19 have pursued and they will continue to pursue that
20 long-term solution to the extent that the downstream
21 municipalities and authority will cooperate with
22 them.
23 MR. KANE: Item number nine on A-23
24 talks about alarm. Are they audible alarms?

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1 THE WITNESS: Both audible and
2 visual. So it has to have a sound and it has to be
3 something that can be seen.
4 MR. KANE: How loud is it
5 typically?
6 THE WITNESS: That I'm not sure.
7 That would be something that would be part of the
8 design that RHM would do.
9 MR. KANE: In your experience, is
10 it similar to a fire company's alarm that goes off
11 and firemen are being summoned to a fire?
12 THE WITNESS: I mean in my
13 experience, it wouldn't be that loud, but certainly
14 it has to be something that you can hear; otherwise,
15 there is no point in it.
16 So from the street, somebody should
17 be able to hear that and the light should be
18 prominent enough and flashing enough so that a car
19 driving by or a police car would notice it and then
20 know who to call to basically deal with the emergency
21 situation.
22 MR. KANE: And what is the warning
23 intended to warn people of?
24 THE WITNESS: It is basically you

1 commonly see this in any sort of sewerage holding
2 tank situation. You only want it to fill to a
3 certain point. You don't want it to fill all the way
4 to the top.

5 So what this is saying, once its
6 gets to 75 percent of the full volume of the tank,
7 that alarm has to kick on and that alerts RHM. And
8 there is also something in here, it is called
9 telemetry or auto dialing, so it is wired back to
10 RHM.

11 So that once that alarm sounds and
12 the light goes on, there is an emergency call to the
13 emergency respondents from RHM so they can get out
14 there right away and see what the problem is.

15 If there is truly a problem, if it
16 is above that 75 percent mark, they kind of have to
17 institute whatever measures they have to deal with
18 that.

19 MR. KANE: Is it intended to warn
20 the community of anything? You said cars driving by.
21 Would that be prominent enough?

22 THE WITNESS: I think the intention
23 is more to alarm the officials. So it would be the
24 operator, RHM. Certainly, if a police car saw it

1 first before somebody picked up the phone, then they
2 could, you know, be part of the response to get their
3 as quickly as possible.

4 MR. KANE: Do you know if RHM has a
5 person on duty at the Merry Place facility 24 hours a
6 day?

7 THE WITNESS: I don't know that.

8 MR. KANE: Do you know if they have
9 some sort of a -- not a watchtower, but a watchman
10 who would have this tank within their sights
11 24 hours?

12 THE WITNESS: I'm not aware of
13 that. But, again, they, with an emergency dial, I
14 don't know for sure, but I am fairly certain that
15 somebody like John, the manager of that authority, in
16 a case of an emergency, there is 24-hour contacts to
17 either him or some sort of designated representative
18 to respond to that emergency. You don't deal with
19 that just for this tank. You might have the same
20 situation in the operation of their interceptor.

21 MR. KANE: What would happen if the
22 alarm sounded and people didn't arrive in time and
23 the pump remained on and it was filled past capacity,
24 what would happen?

1 THE WITNESS: I think as part of
2 the design, there would be something in the
3 automation of the pump tank to automatically shut it
4 off. So there would be fail-safes to prevent that
5 type of situation.

6 So as I said the system has to be
7 automated. It can't be a manual system. So that
8 those trigger mechanisms would have to be in place to
9 have the pump stop before that point.

10 MR. KANE: Then why should there be
11 a visual light and audible alarm to alert people? If
12 it is going to automatically shut off and there is
13 going to be a telemetry phone line that automatically
14 calls these guys up that says we are at 75 percent
15 capacity, why an audible and visual alarm?

16 THE WITNESS: Good question. It's
17 an advance warning. So it doesn't stop filling up at
18 75 percent, nor do you have to have it stop filling
19 at 75 percent. Once they design a level control, it
20 might be that 90 percent is the total stop point that
21 they don't want it to go past.

22 But they don't want to wait until it
23 gets to that critical point. So at the 75 percent
24 point, it alerts RHM it's at 75 percent; you need to

1 get somebody down there to look at it, but you have
2 got that additional 15 percent capacity where it
3 could fill up to until all those fail-safe mechanisms
4 click on and stop the pumps from pumping it up to the
5 tank.

6 MR. KANE: Are the audible and
7 visual alarms intended to alert the public that there
8 is a pending overflow of sewerage flow of the tank?

9 THE WITNESS: That's not my
10 understanding of what they are for. It is really
11 what it says here. That when you hit that 75 percent
12 in the tank, those alarms need to sound and proper
13 response as part of the submission of the plans needs
14 to address, you know, what operationally will RHM
15 have in place to deal with these scenarios should
16 they occur?

17 MR. KANE: I am thinking of the
18 alarm system in my house. It calls the fire
19 department if it senses smoke. It doesn't blare an
20 alarm or visual light to my neighbors saying that
21 there might be a fire at Bob's house, but it calls
22 the fire department and alerts me.

23 And I am just not -- I still don't
24 really understand why there would have to be such a

1 prominent and audible and visual alarm to the people,
2 the public, the people that are driving by so they
3 could see it if they are not the responder.

4 THE WITNESS: It is fairly common
5 for D.E.P. in sewerage systems, whether it is a
6 thousand gallon tank in your yard for sewerage, they
7 have audio, visual alarms, same type of thing. It is
8 fairly common, though, to require this for a sewerage
9 holding tank.

10 MR. KANE: It would make more sense
11 if it was intended to warn, if there were children at
12 the ball field that is adjacent to where the tank
13 might be placed, that, you know, there is an SSO.
14 Because we heard testimony there doesn't have to be a
15 rainstorm for there to be an SSO. If there is an SSO
16 and the tank is being pumped into and for whatever
17 reason there is an overflow, that the alarm would
18 sound to warn people, you know, you might want to get
19 out of the area because the tank's going to overflow.
20 Is that possible?

21 THE WITNESS: Well, certainly once
22 this turns on at 75 percent, those alarms are on and
23 until RHM disengages, basically addresses the
24 situation and disengages the alarm, it will stay on.

1 But, again, it is advance warning. Once it is at
2 75 percent and the tank continues to rise, the alarms
3 continue to stay on.

4 MR. KANE: What would you do if you
5 were at that ball field and you heard the alarms go
6 off?

7 THE WITNESS: I don't know what
8 somebody would do. I am a coach myself. I have
9 kids. I'm not sure what I would do if I saw. If it
10 was an important game, I would probably be too
11 focused on the game, but that's just me.

12 MR. KANE: Who would the first
13 responders be? RHM, they respond to the scene.
14 Suppose the tank leaks. And I think we heard
15 testimony earlier that tanks can leak; maintenance is
16 required. But if there is a leak, who are the
17 responders to that? Are the local fire companies,
18 are they generally dispatched to the location of the
19 tank if like this leaks?

20 THE WITNESS: I mean that would all
21 be part of the maintenance and operation and part of
22 that would be what happens in those events, what is
23 the emergency response tree that is established. I
24 know RHM has one now for the operation of their

1 system. So that type of emergency response tree
2 would be probably similar to what would be in place
3 for this tank.

4 MR. KANE: Is that a hazardous
5 material, a haz mat event, if something like that
6 happened? The reason I ask is that if the firemen
7 from the township are asked to respond, if the tank
8 leaks, I don't know, a coupling becomes loose and
9 firemen are asked to respond to that, is there
10 special training that's required of them?

11 THE WITNESS: I don't know the
12 answer to that. I mean certainly it is raw sewerage
13 and you would need to take precautions if you come in
14 contact with it. Certainly RHM could have
15 discussions with the fire department, if they haven't
16 already, if they have to help clean up a spill down
17 in Merry Place, what sort of precautions you would
18 have to take.

19 MR. KANE: How many different ways
20 are there to measure SSOs? You said there's a few
21 methodologies. I heard you mention velocity and one
22 with an interest in math, I think that's the first
23 time I heard velocity. We heard capacity and a blown
24 manhole cover, but how many different ways are there

1 to measure SSOs?

2 THE WITNESS: As I said, I
3 described a couple of techniques that would be used
4 in the event that you have that SSO. So you have
5 kind of an arsenal of techniques, visual. I mean I
6 won't repeat everything that I said, but they are all
7 the tools that you would have in discussing velocity.
8 Velocity is an element that you have to estimate to
9 try to quantify what it is.

10 MR. KANE: The speed of the flow?

11 THE WITNESS: It is the speed of
12 the flow. The interceptor itself right now probably
13 runs on average of four feet per second. So four
14 feet per second, if you estimate the area of the
15 flow, that would give you a flow rate. So it could
16 be something gallons per day. If you know how long
17 it is occurring, you then you get it down to gallons.
18 That's your volume.

19 MR. KANE: Does D.E.P. have a
20 specific formula that they recommend or method? I
21 mean it just seems like there is a range. And the
22 range on some of the SSOs seems wide. And I don't
23 know, I am looking for a more scientific way to
24 understand.

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1 THE WITNESS: We would all like
2 that, but that's just not the way it is. Like I
3 said, it is an abrupt, chaotic, unpredictable, it's a
4 mess. And we would all like to have a nice neat
5 formula and nice neat little device down to the
6 gallon, but that's just not the way it works. These
7 are estimations, order of magnitude estimations.
8 If you notice, none of the
9 estimations say 75,232.6 gallons rounded to the
10 nearest hundredth. That's sort of the standard of
11 practice when you are trying to estimate a flow, an
12 overflow like that, and that's the best we have.
13 MR. KANE: So two qualified people
14 measuring the same SSO could come to a different
15 conclusion?
16 THE WITNESS: I think two qualified
17 people may come out with a different specific answer,
18 but they should be definitely within similar
19 magnitude and range of numbers.
20 MR. KANE: Are there any other
21 solutions to these SSOs other than the storage tank
22 or the parallel interceptor line? I mean we talked
23 about water infiltration. Is there anything we
24 haven't heard yet, any other way to solve this?

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1 THE WITNESS: No. You have had a
2 very complete record. And the short answer to that
3 is RHM really knows what they are doing. And what
4 they presented to you, in my opinion, is about as
5 good as you can attack this problem.
6 You know, I don't really see a
7 better way or some silver bullet fix that none of us
8 have thought of that's out there. If it was out
9 there, somebody would have brought it up and somebody
10 would have been implementing it. It is just not that
11 easy.
12 MR. KANE: I have asked this of
13 several witnesses, and I will ask you, if all of the
14 municipalities within the tie-in to this interceptor
15 that go down to DELCORA were required to maintain
16 their pipes as well as RHM maintains their pipes,
17 would that alleviate some, all of this issue?
18 THE WITNESS: Certainly the more I
19 and I that can be reduced from the system, the better
20 the situation is. Now, you have to keep in mind --
21 MR. KANE: I'm not just talking
22 about I and I. I am talking about sediment that's
23 built up. RHM maintains our pipes and we are
24 fortunate to have them. They maintain our pipes very

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1 well.
2 We also heard that other
3 municipalities, most of them downstream, don't have
4 sewer departments. And the benefit to them from not
5 having a sewer department is there is no one to
6 report an SSO. So if it occurs, it is not reported
7 to D.E.P. unless a resident sees it and reports it.
8 So they are not subject to the same fines and things
9 that RHM might be.
10 But at the same time, they may not
11 have sewer personnel that are cleaning and
12 maintaining the present lines that exist. And I
13 think it was Mr. Salvucci that said certainly there
14 were some areas along the way that have sediment
15 built up that would inhibit the flow straight to
16 DELCORA and, thus, cause a back-up and it erupts at
17 Merry Place. Have you considered that or thought
18 about that at all?
19 THE WITNESS: Yeah, I mean I am
20 involved with a few municipalities downstream of RHM.
21 I think there is a little bit of a misconception that
22 was discussed in the previous hearings.
23 One is it is not that other
24 municipalities are not doing anything. The

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1 municipalities that I am engineer for, we certainly
2 are doing everything that we can afford in terms of I
3 and I work.
4 The municipality, one of the
5 municipalities that I represent, they do not have a
6 sewer department. However, they, through the work of
7 myself and the public works chairman, they take the
8 responsibility seriously.
9 So they contract out cleaning of the
10 sewers, four quadrants of the borough. One time
11 every four years each quadrant is done. So it
12 guarantees that they clean their sewers once every
13 four years. They implement I and I rehabilitation.
14 MR. KANE: Municipalities that you
15 represent?
16 THE WITNESS: And it is true for
17 most other ones. As Mr. Salvucci said, with the
18 requirement to install the meters at every
19 municipality connecting to the Darby Creek Joint
20 Authority, they are now based on their meter flow.
21 So if they are not doing so well,
22 that is incentive to get into their system and start
23 correcting their I and I. It is a long slow process.
24 These meters have only been in place for a couple of

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1 years now. So everybody is starting to steer the
2 ship towards taking responsibility and ownership of
3 correcting the I and I.
4 Certainly some do better than
5 others. There is nobody that does nothing, but
6 everybody is doing what they can below us.
7 And also, each municipality, they
8 have an engineer, they recognize their
9 responsibility. You got the same letter. It is
10 their system. They are responsible for it. They
11 have to maintain it. If there is an SSO that occurs,
12 it is the municipal owner's responsibility to report
13 that SSO and that's the requirement and that's what
14 they have to do.
15 MR. KANE: Are you aware of any
16 municipality that doesn't have a sewer department
17 recording an SSO within the last five years?
18 THE WITNESS: I would say most
19 municipalities don't have a municipal authority per
20 se that maintains the sewers. It is the
21 responsibility of the municipality itself, whether or
22 not they have a public works department or sewer
23 department. Many of them do. They have their own
24 staff that that's their job.

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1 MR. KANE: Are you aware of any of
2 them having reported an SSO over the last five years?
3 THE WITNESS: I'm not aware of any
4 SSOs or reporting thereof. I just don't have that
5 knowledge. I can speak for myself in the
6 municipalities that I represent. We had two
7 occurrences where there was a blockage, blew out the
8 pipe, it leaked into the creek. The police notified
9 the borough. We immediately notified D.E.P., had
10 them on the scene; told them what happened.
11 We made the repair, documented
12 everything, and that's the way the system is supposed
13 to work.
14 MR. KANE: That's a traumatic
15 event, a pipe collapse.
16 THE WITNESS: But it is still an
17 SSO. It doesn't matter how it happens. As soon as
18 it is seen, it needs to be reported.
19 MR. KANE: But if the sewer came
20 through a manhole cover, that wouldn't be as obvious
21 and it might not be reported.
22 THE WITNESS: That can be anywhere.
23 It all depends. Certainly if nobody sees it, how can
24 you report it? But the obligation is if it's seen,

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1 it needs to be reported, when it can be estimated
2 when it started and when it stopped, volume and
3 things of that nature.
4 MR. KANE: Kenny?
5 MR. RICHARDSON: Yes. A-6, the
6 SSO, it is all estimated volume. Can you put a plus
7 or minus on those? The estimate plus or minus 10
8 percent?
9 THE WITNESS: I really can't put an
10 exact number. It is an order of magnitude estimate.
11 I just think it is as reasonably close as can be
12 estimated given the conditions at the time that you
13 are trying to measure these SSOs.
14 MR. RICHARDSON: In your opinion,
15 it says estimated volume 200,000 gallons. Could it
16 have been 220 or 180, is that fair?
17 THE WITNESS: I would say that that
18 would be reasonable, yeah.
19 MR. RICHARDSON: A-23, which is the
20 Environmental Protection, the draft that has the 16
21 conditions, there is a 75 percent and a 90 percent;
22 75 percent the alarm goes off and at 90 percent of
23 the tank, we talked about pumping and hauling. So if
24 this goes off at 75 percent and we hit 90 percent,

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1 tank trucks come in.
2 THE WITNESS: I guess there is a
3 couple of different scenarios that a tank can
4 experience. In this instance, it is actually a
5 pretty clever design. The way the tank bottom has
6 been set up by RHM is once the storm subsides, it can
7 drain by gravity back into the interceptor.
8 So under normal circumstances for
9 when the tank has the volume, it simply fills up to
10 whatever that SSO is. You let the storm ride out.
11 Once it goes down, then it can go right back into the
12 system. So you don't have to pump it out.
13 In some authorities, they may not have
14 the ability to make that connection, so they simply
15 have to have a way of pumping it and hauling it maybe
16 to a treatment plant and dumping it into the plant.
17 That would be their method of discharging from the
18 tank.
19 MR. RICHARDSON: Let me see if I am
20 understanding this. The 3/13 SSO which was
21 1.2 million, let's say it was 1.5 million, so it hit
22 that 90 percent, you are saying what? We wouldn't --
23 it automatically --
24 THE WITNESS: It is my

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1 understanding that the tank, the working capacity is
 2 1.5 million. So the actual volume inside the tank
 3 will be somewhat more to make sure that you fully
 4 contain the 1.5 million of flow that you estimate.
 5 MR. RICHARDSON: Let's say it is
 6 two million. In other words, it is more than the
 7 tank can handle. Then it is just an SSO or -- what
 8 I'm getting at --
 9 THE WITNESS: It will pump it until
 10 it reaches that capacity that is proscribed in the
 11 tank and it will automatically shut off those pumps
 12 that won't get to the tank any more. So you won't
 13 get to a situation where it is trying to bust through
 14 the top of the tank.
 15 MR. RICHARDSON: I guess my point
 16 is that from a safety point of view, which is what we
 17 are operating on, protecting our citizens, that this
 18 thing says proposals must include provisions for
 19 pumping and hauling.
 20 THE WITNESS: Yes, and as I said --
 21 MR. RICHARDSON: Let me ask you
 22 this, are you familiar with what the pumping and
 23 hauling provisions can be? Have you ever made a
 24 proposal on the pumping and hauling provisions?

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1 THE WITNESS: Yes. I mean it is
 2 two parts to the answer. One is certainly RHM is
 3 going to be required to provide detailed information
 4 in their special study and their part two
 5 application.
 6 The second part of your question, a
 7 pumping and hauling can sometimes be a tank that has
 8 no discharge so that the operational plan is to use
 9 tank trucks to extract the sewerage into the truck
 10 and take the truck and they discharge it at a
 11 wastewater treatment plant until the tank is dry.
 12 So in the event that they don't have
 13 the ability to discharge, like RHM is going to have
 14 to, they have to make another provision to drain the
 15 tank through a train of trucks to get to the
 16 treatment plant.
 17 MR. RICHARDSON: Real quickly, if I
 18 take this and say it is a pipe and whatever this
 19 diameter is and there is a flow coming out of here
 20 and you can measure how fast that flow is coming out,
 21 can you tell me or how accurately can you tell me how
 22 much is coming out?
 23 THE WITNESS: I mean as close as we
 24 reasonably can get estimating the depth, the actual

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1 perimeter of the cup, looking at how much is sitting
 2 on the desk that you have, wring out the papers. We
 3 would use every method we could to try to get as
 4 close as we could.
 5 MR. RICHARDSON: I will tell you
 6 what my concern is, if you look at the BP thing down
 7 there and they show you a picture of this stuff
 8 coming out of there. The thing to me, it is that
 9 wide and coming out at such a force, that you would
 10 be able to figure out how much it is.
 11 But they have no clue. It is a
 12 million eight a day, it is a million an hour. You
 13 have every engineer in the world trying to figure out
 14 how much is coming out of there.
 15 And that seemed a lot to me -- I'm
 16 not an engineer -- that seems a lot simpler to
 17 figure that out than it would be if you go and see
 18 all this sewerage covering a lot. You would say it
 19 is 200,000 gallons. Do you understand what I am
 20 saying?
 21 THE WITNESS: They both have their
 22 unique set of circumstances. The BP spill is a mile
 23 down. It is not just oil coming out. There's gases
 24 and water and other materials. But there are some

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1 similarities. Like you said, they estimate sort of
 2 the size of the pipe that's coming out, estimation of
 3 the velocity, and that's how they estimate the flow
 4 rate. If it is over a 24-hour day, that's how you
 5 estimate your volume.
 6 So there are some similarities
 7 between these two situations, but there are other
 8 things unique to a spill on the ground versus a mile
 9 underground in the water.
 10 MR. RICHARDSON: I think you kind
 11 of covered it. I mean I have a problem with the use
 12 of the word temporary. My idea of temporary, I don't
 13 know, isn't 20 years.
 14 These two things are five and
 15 six years old. A-24 and A-23, roughly five and
 16 six years old. And you are not involved in the
 17 township here. I don't know when Mr. English
 18 received this in June of 2004, I don't know what
 19 action was taken from June 2004 until now to mediate
 20 the SSOs, telling you what you are supposed to do.
 21 It's not your problem, but it is
 22 just a problem I am having trouble dealing with as
 23 far as again the health and safety of the citizens.
 24 The other question I had for you --

<p style="text-align: right;">Page 77</p> <p>1 and this will be my last one -- we touched on odor. 2 And the other day I was watching my granddaughter who 3 is four years old, and she was playing next door and 4 comes running across the yard and says: I have to go 5 potty, and she didn't make it. And the odor from 6 that one little four-year old, I had the neighbor on 7 the other side, my other side actually came out the 8 door and said: What is that? So that's one 4-year 9 old. You get a million gallons of it -- 10 MR. KANE: Because you are cooking 11 the meal, Ken. 12 MR. RICHARDSON: I am wondering. 13 That's just an observation I guess. That's all I 14 have, Mr. Kane. 15 MR. KANE: Ed Casulli? 16 MR. CASULLI: Sure. Mr. Close, I'm 17 not sure, you said you read the transcripts and this 18 may not be a question for you, but with the growth in 19 Marple, Radnor and Haverford, what's the normal 20 increase in average flow on a yearly basis? 21 THE WITNESS: I don't have the 22 answer to that. 23 MR. CASULLI: Does somebody have 24 the answer to that? I asked the question on</p>	<p style="text-align: right;">Page 79</p> <p>1 the trend is. I remember you have an average, an 2 average daily value of seven million. I think that's 3 what it was, right? And that was in 2009, January. 4 What's the average, do you have 5 someone that can come up and talk about this that's 6 been sworn in? 7 MS. LABRUM: They have all been 8 sworn in previously. Mr. Reardon? 9 MR. KANE: Name for the record. 10 MR. REARDON: John Reardon. 11 MR. KANE: You were sworn at a 12 previous hearing? 13 MR. REARDON: Yes. 14 MR. KANE: You heard Mr. Casulli's 15 question? 16 MR. REARDON: Yes. The flows for 17 the last five years have not gone up. The flows for 18 the last eight years have not gone up. They have 19 been staying the same or going down. All counts in 20 the summers, dry spells like that, we have been down 21 to 6.2 million. But our average flows are around 7.2 22 or 7.4, and it's been that way for the past eight 23 years. 24 MR. CASULLI: So with all the</p>
<p style="text-align: right;">Page 78</p> <p>1 November 5th and I never got an answer. 2 MS. LABRUM: The increase in flow 3 per year? 4 MR. CASULLI: Based on growth in 5 the communities. 6 MS. LABRUM: I don't think the 7 Sewer Authority would have any idea about growth in 8 the community. They wouldn't have access to that 9 information. 10 MR. CASULLI: There is an exhibit 11 that you guys provided. 12 MS. LABRUM: The exhibit that was 13 turned in as 26 was the flows, which is in 26, A-26. 14 MR. KANE: That's the Sewer 15 Authority meter pit location. 16 MS. LABRUM: Those are the only 17 information they have. 18 MR. CASULLI: What's the yearly 19 increase from 2008 to 2009 to 2010? 20 MR. KANE: Ed, I guess what you're 21 asking, we have A-25, which is the 2009 monthly flow 22 by township, so I guess what you're asking for is 23 2007, 2008, 2009 so you can see. 24 MR. CASULLI: I want to know what</p>	<p style="text-align: right;">Page 80</p> <p>1 growth, the sewerage that the community produces is 2 going down? 3 THE WITNESS: Yes, or staying the 4 same. 5 MR. CASULLI: Why would that be? 6 MR. REARDON: The I and I work that 7 we are doing, the townships are doing. 8 MR. CASULLI: I thought that didn't 9 include I and I. The I and I only occurs during 10 storms. 11 MR. REARDON: There is I and I all 12 the time. Any rainstorm you have, any infiltration 13 that you have from groundwater getting into the 14 system, sump pumps people have getting into the 15 system, so I mean we have infiltration, inflow and 16 infiltration all the time. 17 MR. CASULLI: So the flow rates are 18 going to down? 19 MR. REARDON: Excuse me? 20 MR. CASULLI: So the sewer rates 21 are going to down? 22 MR. REARDON: Staying about the 23 same. 24 MR. CASULLI: Okay, thanks for</p>

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1 that. I will move back over to Mr. Close.
2 So if you remove one SSO from March
3 30, the one at 1.28 million gallons.
4 THE WITNESS: I believe that was
5 March 13th.
6 MR. CASULLI: Do you remember what
7 the next highest SSO was?
8 MR. KANE: What exhibit are you
9 looking at?
10 MS. LABRUM: A-6.
11 MR. CASULLI: Should be 6.
12 THE WITNESS: During this period?
13 MR. CASULLI: Since 2006.
14 THE WITNESS: Since 2006, back at
15 the November hearing, there was the reporting or the
16 discussion of the reporting of the half million
17 gallons from and I don't know which storm event that
18 was.
19 MR. CASULLI: Half a million
20 gallons.
21 THE WITNESS: It was half a million
22 gallons.
23 MR. CASULLI: So about half a
24 million, okay. So my next question would be the

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1 1.28 million gallons you kind of referred that's kind
2 of like a once-in-a-lifetime event, is that what you
3 called it?
4 THE WITNESS: I think it was a very
5 rare set of circumstances, the amount of snow that we
6 had this winter of 2010, the combination is it is a
7 very rare occurrence that we had.
8 MR. CASULLI: With that said, the
9 variance that is being requested is six feet above,
10 six feet more than the code allows. So I think a
11 tank is around, somewhere around 26 feet, 27 feet, I
12 don't remember exactly. But if you didn't have the
13 variance, it would be somewhere around six feet lower
14 than that. What would the capacity of that tank be
15 at six feet lower than what's asked?
16 THE WITNESS: I did a rough
17 approximation. It is approximately 1.1 million
18 gallons.
19 MR. CASULLI: 1.1 million gallons.
20 THE WITNESS: Yes.
21 MR. CASULLI: Would that have been
22 sufficient to capture, prevent the other SSOs with
23 the exception of March 30th?
24 THE WITNESS: Yes, it would have.

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1 MR. CASULLI: So one of the
2 standards that we use to determine variances,
3 182-1004 echo the variance, if authorized, will
4 represent the minimum variance that will afford the
5 relief and represent the least modification possible
6 to the regulation.
7 That's something that we are charged
8 with by the township to enforce. And I wonder and I
9 am having a hard time seeing why we need the six-foot
10 variance if a 1.1 million gallon tank would prevent
11 all the SSOs that have occurred with the exception of
12 one on March 30th, which you say is a one-time event
13 and should never occur again by the time the
14 corrective action plan required by the D.E.P. is
15 implemented.
16 THE WITNESS: You know, like I say,
17 there is a lot of unpredictability in what we do. We
18 are looking at a snapshot of history. This is what
19 is happening today.
20 We would all hope that the I and I
21 work would continue, that it would improve the
22 situation. Can't predict every storm that's going to
23 happen. Who knows. We had talked about, you know,
24 the estimation methods, they are as good as we can

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1 do, but there is a little bit of variability in
2 there.
3 But certainly if the goal of RHM and
4 the township is to minimize the impacts of these
5 pollution events on the health, welfare, safety of
6 the citizenry here, as well as the environment, if
7 you can prevent as many as you can, it is worth
8 considering.
9 And if you can put the tank in such
10 a location with such a size to do as many as you
11 think you can, it is an iterative process, you are
12 balancing all these objectives that you talked about,
13 and that's what you have here before you tonight.
14 Is it worth it to get another six feet to try to get
15 as much capacity as possible to potentially prevent
16 even more SSOs should these circumstances happen
17 again, and that's the trade-off that you are looking
18 at.
19 MR. CASULLI: Okay, thank you very
20 much. That's all I have.
21 MR. KANE: Ed Magargee?
22 MR. MAGARGEE: Couple of questions,
23 P.J. Any other reason why an equalization tank would
24 be needed other than an SSO?

1 THE WITNESS: Well, the focus here
2 is for SSOs. If for some reason there was a blockage
3 that happened that nobody saw coming and the system
4 backed up, that tank would be in place to prevent
5 that sort of emergency type of situation.

6 So though it is intended to stop the
7 SSOs that are reported, it would certainly have the
8 benefit to prevent an SSO from, you know, accidental
9 blockage or breakage or something like that.

10 MR. MAGARGEE: But you don't -- I
11 am trying to envision, because one of the things that
12 was said is it would only be used three or four times
13 on average a year. I am just thinking is there other
14 reasons why it might be used on a more frequent
15 basis?

16 THE WITNESS: None that I can think
17 of.

18 MR. MAGARGEE: On the issue of tank
19 safety, would the issue of the height of the tank
20 make a difference in the safety of the tank design?

21 THE WITNESS: There's multiple
22 methods to build a structural tank. Whether it is
23 steel, prestressed concrete, that's going to be up to
24 RHM to find the most cost effective, best solution

1 for the community. I know they have talked to I
2 believe it was Dutchland and I believe they are
3 considering a prestress concrete tank.

4 All that data, the design for the
5 stability and sizing of that tank has to be furnished
6 to D.E.P. and their consideration. So I don't think
7 that D.E.P. would have an opinion one way or another
8 to say that it can only be this type of tank. I
9 think they are mainly interested in the sufficiency
10 of the documentation to prove that it is structurally
11 sound.

12 MR. MAGARGEE: I know engineers can
13 design anything. I'm not questioning that. But the
14 general question is, is a higher tank and a shorter
15 tank, which would be the more safest of the tank
16 design?

17 THE WITNESS: I think both if
18 designed properly would be equally safe.

19 MR. MAGARGEE: Would a higher tank
20 need to have more engineering design than a shorter
21 tank, more structural stability design, more methods?

22 THE WITNESS: Not that I am aware
23 of.

24 MR. MAGARGEE: Should a tank be

1 located adjacent to a storm water management
2 facility?

3 THE WITNESS: I don't know. This
4 certainly doesn't speak to that as far as I know. As
5 long as it can be done in such a way so that the
6 storm water management facility, whatever it is, can
7 operate as it is supposed to, I don't know why they
8 can't be put next to each other.

9 MR. MAGARGEE: That's all I have.

10 MR. KANE: Ken, do you have any
11 other questions?

12 MR. RICHARDSON: Yeah.

13 MR. KANE: I know we are going to
14 have to stop.

15 MS. LABRUM: I think Mr. Richardson
16 only has one question. Please we need a with
17 decision tonight.

18 MR. KANE: We are going to resume.

19 MS. LABRUM: We have been trying
20 for eight months to get through in one way or
21 another.

22 MR. KANE: You've asked for
23 continuances and all that, but we have residents from
24 the 6th Ward that are here for the next case. We are

1 going to resume this hearing. We are not leaving.

2 MR. RICHARDSON: I just need a yes
3 or no.

4 MR. KANE: Ask your question.

5 MR. RICHARDSON: As far as
6 placement of the tank, is it supposed to go where the
7 SSOs occur?

8 THE WITNESS: It is supposed to be
9 as close as practical to where it is occurring, yes.

10 MR. RICHARDSON: And who makes that
11 decision with closest practical? That's the
12 engineer's decision?

13 THE WITNESS: Well, D.E.P. is
14 pretty practical about things like this. They
15 realize the community gets involved with selection of
16 a structure like this and they are not going to
17 require that you stick it right on the exact spot
18 where it is happening. They understand that the
19 community has to take those things into consideration
20 of the things that are important. But I think they
21 will look to see how, what kind of alternatives did
22 you look at, what did you take into consideration
23 when you chose this location. And if it is
24 reasonable to them, I think they would agree with RHM

1 and the township.
 2 MR. RICHARDSON: That's all I have,
 3 Mr. Chairman.
 4 MR. KANE: Ed Magargee?
 5 MR. MAGARGEE: No.
 6 MR. KANE: Ed Casulli?
 7 MR. CASULLI: No.
 8 MR. KANE: Kathy, this case is too
 9 important. I'm not going to close the record. I am
 10 going to continue it, and we are going to take this
 11 6th Ward case. Although I don't know of any other
 12 questions that may arise, I don't want to rush it in
 13 the end and miss a question. I believe we are done,
 14 but I don't want to tell you go ahead and leave
 15 because of some other questions. I tried to do
 16 everything I could.
 17 MS. LABRUM: We will wait anyhow
 18 until the end of the night for a decision.
 19 MR. KANE: This case is continued
 20 until later this evening, and we are going to take a
 21 two-minute break and then we are going to Maurice and
 22 Michael Meade. Two minutes and we are starting back
 23 up.
 24 (At this time a recess was taken at

1 10:14 p.m.)
 2 ---
 3 MR. KANE: We will resume the
 4 meeting of the Haverford Township zoning hearing
 5 board of Thursday which has now become June 18, 2010.
 6 We are going to continue case Z9-24. I don't think I
 7 need to read the entire description.
 8 Go ahead, Kathy.
 9 MS. LABRUM: If the Board has any
 10 further questions for Mr. Close, he is here.
 11 MR. MAGARGEE: One other question.
 12 Is there any other reason other
 13 than the three to one safety factor, the three times
 14 the safety factor for needing the tank six-foot
 15 larger than the zoning allows?
 16 THE WITNESS: Well, I guess the
 17 other reason is where this location was selected of
 18 the four, the space that you have available, position
 19 next to the ball field, next to the floodplain that
 20 happens to be right there, I think that information
 21 all kind of zeroed in on the ability to put in 100
 22 foot diameter tank.
 23 And to meet that peak factor of
 24 three, you work into a height of I guess it is around

1 26 and a half feet. And that's how you arrive at
 2 that number. So I guess if the floodplain wasn't
 3 there and there was a lot more room, you want to put
 4 in a bigger diameter tank, but you just don't have
 5 that situation given the topography at this location.
 6 MR. MAGARGEE: But the safety
 7 factor was the primary reason why that had to go up.
 8 THE WITNESS: It's only one factor.
 9 The estimation of the SSO is one thing. The
 10 assignment of a reasonable and appropriate factor of
 11 safety is the other thing. So that combination
 12 together is what yields the estimation that the tank
 13 should be 1.5 million gallons.
 14 MR. CASULLI: Is that the only
 15 reason?
 16 THE WITNESS: Can you say that
 17 again?
 18 MR. CASULLI: I believe his
 19 question was the size of the SSO coupled with the
 20 design factor of three yields a 1.5 million gallon
 21 tank. Is there any other reason besides that that
 22 you desire a 1.5 million gallon tank?
 23 THE WITNESS: Nothing that I can
 24 think of that comes to mind.

1 MR. CASULLI: Okay. Did that
 2 answer your question?
 3 MR. MAGARGEE: Yes, thank you.
 4 MR. KANE: Ken?
 5 MR. RICHARDSON: No further
 6 questions.
 7 MR. KANE: Ed, did you have an
 8 opportunity to review the exhibits?
 9 MR. MAGARGEE: Yes, sir.
 10 MR. KANE: Do you have any
 11 questions that have arisen from it?
 12 MR. MAGARGEE: No.
 13 MS. LABRUM: I have one question
 14 for Mr. Close.
 15 BY MS. LABRUM:
 16 Q. Mr. Close, looking at the data on
 17 the SSOs, is there a period of time in which the SSOs
 18 usually occur?
 19 A. Yes. There's generally between
 20 December and April, those winter months is when it is
 21 most likely to occur.
 22 Q. When is baseball season for small
 23 children?
 24 A. I guess it starts around March.

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1 Q. Does it end during the year or does
2 it go --
3 A. I don't know what the leagues are
4 around here, but generally until July through early
5 September I guess.
6 Q. So the SSOs that have been
7 experienced for at least the last ten years probably
8 have not occurred during the baseball season?
9 A. If they occurred during the December
10 to, you know, March, April, there is a very good
11 chance that it wouldn't happen during baseball
12 season, yes.
13 MR. KANE: Is that it?
14 MR. LABRUM: Yes.
15 MR. KANE: Mr. Byrne?
16 MR. BYRNE: No thank you. No
17 questions. Yesterday I had my questions answered.
18 MR. EMHOF: We would like to
19 present Mr. Reardon to answer one question about the
20 24-hour coverage at RHM. Mr. Reardon has been
21 previously sworn.
22 MR. KANE: We remember him well.
23 ---
24 JOHN REARDON,

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1 Having been previously sworn, was examined and
2 testified as follows:
3 ---
4 MR. KANE: You are cordially invited
5 to our July 15th.
6 THE WITNESS: RHM is on 24-hour
7 call with the townships. And I do have an employee
8 that lives right here in Haverford on Stanley Avenue
9 that when anything occurs or wherever like that, if
10 Dave Adam doesn't go for it, my other crew leader
11 goes for it.
12 MR. KANE: How would he find out
13 if the tank was at 75 percent or 95 percent?
14 THE WITNESS: I'd give him a call.
15 MR. KANE: How would you tell?
16 THE WITNESS: Everything is going
17 to be telephoned to me during the evenings and stuff
18 like that. All the phone calls go to my cell phone.
19 So I get a call that way or alarm that way, and then
20 notify him because he is right up the road, and he
21 would come down. But we are on 24-hour call for all
22 our townships.
23 MR. KANE: Do you know if a
24 haz-mat response would be required for the

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1 responders?
2 THE WITNESS: It is diluted
3 sewerage. It is not haz mat. If we need haz mat, we
4 would need them at Merry Place every time we have an
5 SSO. We are out there hosing things down and
6 cleaning things up and liming the areas.
7 MR. KANE: So no special training.
8 THE WITNESS: No.
9 MR. KANE: Do you know that or you
10 think it?
11 THE WITNESS: No, I am saying other
12 than going out there and cleaning the areas up and
13 all.
14 MR. KANE: So if the fire
15 departments come and say, okay, we need special
16 training because a spill occurred and we are not
17 going in there, we don't have the training or gear or
18 apparatus, is that a possibility?
19 THE WITNESS: It's just sewerage.
20 It is not industrial waste. There is no industrial
21 waste in the RHM system, so there wouldn't be any
22 hazardous materials.
23 MR. KANE: I guess I should put it
24 in a yes or no format. Would any special equipment

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1 or training be required of the first responders in
2 the township in order to respond to a spill if one
3 were to occur?
4 THE WITNESS: From the tank or from
5 the manhole?
6 MR. KANE: From the tank.
7 THE WITNESS: From the tank, not
8 that I would know of. I don't believe it can even
9 come out of the tank. Pumps would be shut down when
10 it gets to a certain level. So there wouldn't be no
11 more flow going in. You mentioned earlier if you
12 sprung a leak or something like that, it would just
13 be wastewater, diluted wastewater coming out. It
14 wouldn't be a haz mat type situation.
15 MR. KANE: So your answer to my
16 question is you are not sure.
17 THE WITNESS: No, I'm not sure.
18 MR. KANE: Any other questions??
19 MR. MAGARGEE: No.
20 MR. KANE: Mr. Casulli?
21 MR. CASULLI: No.
22 MR. KANE: Mr. Byrne?
23 MR. BYRNE: One question. After
24 hearing Mr. Richardson's description, you would not

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1 consider it a hazardous material?
2 THE WITNESS: I have to figure out
3 a way of somehow diluting it.
4 MR. KANE: Do you want to make a
5 closing argument?
6 MS. LABRUM: I ask that our
7 exhibits 1 through 26 be moved into evidence. They
8 have all been marked and in possession of the Board.
9 MR. KANE: I have A-1 through A-26.
10 They will be admitted.
11 MS. LABRUM: For closing, I think
12 the Board is acutely aware of what we are requesting.
13 We are requesting a six and half foot height variance
14 to allow the tank which could be built as of right if
15 DEP approved it and if the township granted RHM a
16 lease.
17 The tank could be built as a right
18 on this property with those two approvals, but the
19 tank would not be sufficient to cover every situation
20 which we are aware of having happened in the last ten
21 years.
22 The Board is asking for this height
23 variance to address a situation that's in violation
24 of state law and in violation of federal law and to

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1 do the best job possible. If we don't get the height
2 variance and we do get permission from the township
3 to build the tank, and we do get permission from DEP
4 to build the tank, what we will have is a tank that
5 will address most, but not all, of the sanitary sewer
6 overflows.
7 It is not the perfect solution. Mr.
8 Close explained it is not the perfect solution. It
9 is a temporary solution. It is the best that we can
10 do currently with the technology available to us. It
11 is not a permanent solution.
12 At some point hopefully, DEP will
13 step in and use more coercive measures to get an
14 interceptor from here all the way down to DELCORA.
15 In order for any huge increase in EDUs on the system,
16 that's going to have to happen.
17 Probably some of the new technology
18 with the low flush toilets and things have allowed
19 RHM to keep up with development between their work on
20 inflow and outflow where they get extra credits for
21 EDUs where they reduce that inflow. They have
22 managed to keep, as you heard tonight level even,
23 even though more people are tying in.
24 It would be a shame. D.E.P. says we

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1 have to build the tank closest to where these
2 overflows are. The first place that D.E.P. -- that
3 RHM came in and requested was right where those
4 overflows are occurring. That is right in some
5 citizens' front yard. It is where it is supposed to
6 be built, but it is really close to those homes on
7 Glendale.
8 By moving it behind the baseball
9 field, the only people seeing it are the people using
10 the baseball field in the summer months. In the
11 winter months, when the trees are down, you are going
12 to see a little bit of a tank, but it is not really
13 close to any residential homes such as it would be if
14 it was built at Merry Place.
15 This isn't a Band-Aid. This will
16 take care of every SSO we believe and do it
17 effectively and do it until the perfect solution,
18 which is the interceptor, is available.
19 I would ask the Board to consider
20 giving RHM the six and a half foot variance if they
21 get permission from D.E.P. and if they get permission
22 from the township to rent there. So that all of this
23 effort, all of this money is a successful solution to
24 a very real problem. We clearly have necessity.

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1 Would the tank be built if the
2 township gave permission and if D.E.P. gave
3 permission six and a half feet lower? Probably. But
4 then it is not the correct answer to the situation.
5 And the burden on the neighbors of the additional six
6 and a half feet in comparison to the burden of
7 whether the tank is there or not is extremely
8 minimal.
9 So what you're really balancing is
10 not the presence of tank. It's the presence of the
11 tank with the six and a half feet or without six and
12 a half feet. And is that burden sufficient when
13 balanced against SSOs that are polluting Darby creek
14 and polluting the environment, which people using the
15 park, as well as the children, maybe not during
16 baseball season but the park is used year-round.
17 MR. KANE: Mr. Byrne?
18 MR. BYRNE: The township takes no
19 position at this point in time. As I mentioned in
20 the beginning, we are here to learn more about this.
21 On behalf of the Board of Commissioners, thank you
22 all for all the hard work you are doing at 1 o'clock
23 in the morning. We joke about it, but I know it is a
24 tremendous burden on you folks and you do it a couple

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1 times a month and we do appreciate that. And I think
 2 the fact that we are able to come here and listen to
 3 this testimony is going to make our job when we have
 4 the hearing before the Board of Commissioners that
 5 much easier because we will have some of the
 6 information in front of us and be able to answer the
 7 questions. So just thank you once again.
 8 MR. KANE: Thanks, Jim. With
 9 that, that's it?
 10 With that, we will close the record
 11 on this case and a decision will be rendered at our
 12 next regularly scheduled meeting on July 15th.
 13 (At this time a brief recess was
 14 taken.)
 15 ---
 16
 17 D E C I S I O N
 18
 19 MR. RICHARDSON: Mr. Chairman, is there
 20 a reason at this reasonable hour that we can't come
 21 to a decision this evening?
 22 MR. KANE: If the Board, if
 23 everyone on the Board feels that they are
 24 comfortable, confident enough without any additional

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1 review of records -- I mean I know we have been
 2 through this ad nauseam and you feel the same and we
 3 have heard much testimony, and I know each of us
 4 prepared in advance of these hearings and reviewed
 5 prior testimony and all of the exhibits -- if
 6 everyone feels prepared to vote tonight, if you want
 7 to caucus with Mr. Malone to consult with the
 8 solicitor before voting, I mean certainly we probably
 9 should do that. But there is no technical reason not
 10 to vote on it tonight if that's what you are inclined
 11 to do.
 12 Mr. Casulli, are you prepared to
 13 vote on this tonight?
 14 MR. CASULLI: Sure.
 15 MR. KANE: Mr. Magargee?
 16 MR. MAGARGEE: Okay.
 17 MR. KANE: Obviously, you are. Do
 18 you have any questions for the solicitor that you
 19 want?
 20 MR. RICHARDSON: My personal
 21 opinion, I don't believe the applicant has met the
 22 elements necessary for a variance. And so I would
 23 vote no, and that's the way I feel.
 24 MR. KANE: Do either of you feel

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1 the need to consult with Mr. Malone before you vote
 2 or are you prepared to vote?
 3 MR. CASULLI: I'm prepared to
 4 vote. I concur with Ken.
 5 MR. KANE: Ed?
 6 MR. MAGARGEE: I concur.
 7 MR. KANE: So do I. So that
 8 application is denied 4-0.
 9 MS. LABRUM: Thanks for voting
 10 tonight.
 11 (The hearing in the above-entitled
 12 matter was adjourned at 1:05 a.m.)
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1 C E R T I F I C A T E
 2
 3
 4 I, ARLENE M. LaROSA, a Registered Professional
 5 Reporter, do hereby certify that the above testimony
 6 was recorded stenographically by me and was
 7 transcribed by means of computer-aided transcription
 8 under my personal direction.
 9
 10 I further certify that the foregoing is a true
 11 and correct transcript of the testimony given at said
 12 examination of said witness.
 13
 14 I further certify that I am not counsel,
 15 attorney, or related to any of the parties of this
 16 action nor in any way interested in the outcome of
 17 this matter.
 18
 19
 20 _____
 21 ARLENE M. LaROSA, RPR
 22
 23
 24