

## Legislation Text

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September 13, 2007

### **TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:**

I am returning herewith as disapproved Bill No. 070342, passed by City Council on June 14, 2007. This Bill would amend Section 14-1605 by adding a section for Special Regulated uses and adding overflow storage tanks, generally used for sewage, as such a use. The Bill also provides that no special regulated use shall be permitted within 1,500 feet of residentially zoned district (regardless of the actual uses contained therein), specifically, applying to the Sixth and Tenth Councilmanic Districts.

The passage of this legislation will make it difficult for the Water Department to maintain and protect the quality of the environment and provide treatment of the City's sanitary waste. This Bill also restricts the City's ability to comply with federal and state laws that require the proper management of our wastewater system. In short, this legislation restricts the City's ability to protect public health by eliminating a viable and proven technology used by many municipalities. Also, it limits the City's ability to address basement flooding due to intense rain events. Currently, the City has identified two locations where the sanitary system is overwhelmed during severe storm events, which results in sewage overflowing the system and flowing into streams. Through intensive hydraulic analysis, the Water Department has determined that capturing the overflow volume in underground storage tanks and subsequently, pumping the stored volume back into the system for treatment is a safe and effective solution. These storage tanks could be used in flood prone areas where properties get flooded during very intense rainstorms.

I am aware of the community concerns that residents have raised about these storage tanks. Residents believe that their property values will decrease, however, the presence of such a tank will have no more effect on property value than the presence of a sewer. If anything, the absence of the tank can have a dramatic effect on property values where raw sewage is being allowed to discharge. Another community concern is the potential odor of these storage tanks. The tanks are like sewers and are enclosed, completely underground. The contention that these tanks will emit an odor is inconsistent with the experience with tanks in other cities.

The impact on the appearance of the neighborhood is another community concern. The community would be temporarily affected during construction, however, it would look like any other typical construction site. Once the tank is constructed, it will be, essentially, invisible. Any above ground structures related to the storage tanks can be designed so that they are compatible with the other buildings in the near-by community.

These storage tanks would benefit everyone in the adjacent neighborhoods because they will stop raw sewage from overflowing into our rivers and streams. These tanks would not result in any new taxes. However, if the problems go unabated, the City could face very expensive consent decrees and fines that would raise sewer rates for all City residents.

On May 22, 2007, The City Planning Commission at its meeting considered Bill No. 070342 and recommended

that it be disapproved because passage of this Bill will endanger the City's efforts to maintain and protect the quality of the environment and provide treatment of the sanitary waste of the City.

Finally, as a matter of good public policy, the City should not implement zoning restrictions based on City Council districts. Either a proposed land use should be banned in all City Council districts, or the restriction should be based on other criteria related to the actual impact of that land use on the community.

For the above reasons, I cannot support Bill 070342.

Respectfully submitted,  
John F. Street  
Mayor