

Fred Maurer
5165 D Street
Philadelphia Pa 19120
215 324 8942
April 7, 2016

Attn Frances Beckley
Philadelphia Storm Water Rate Board
1515 Arch Street, 17th floor
Philadelphia Pa 19102

To The Hearing Bate Board.

I am resounding to the Public Notice in the Inquirer March 31 for a Hearing April 7 in City Hall, that did not give a phone number to register to speak. That was a too short time to address the huge tax bill, and my experience in the Council Chambers they limit the public comments to 3 or less minutes as a futile use.

Since this is a third notice I found it is not clear on the person or office in charge. An attn does not name a person or Office responsible.

I will use this letter of transmittal to file a report for extra comments to include in my other testimony and a person.

I represent the Friends of Tacony Creek Park and we have worked over 25 years to make this public park safe and useable.

The park will never reach a safe and usable condition because the water way is contaminated with sewerage wastes as well other upstream sources that will never be resolved in this water rate bills.

So we pay a lot more and will get no real benefits. The Tacony Creek watershed will pay a quarter billion in taxes, and no improvement in our Water Quality stream.

It could be if it was done to address real harms, and not the fantasy in the EPA Phase 2.

The Clean Water Act Phase 1 intended to remove sewage wastes and test the waters for legal standards, and this is not yet done, as Phase 2 changes direction.

The NPDES permit for a Pollution Control Plant did not address that much pollution in this creek is in an open stream, and it is shunted aside in a Frankford canal.

This EPA Phase 2 will do many small Tool Box projects that are guess science. I note there are no tests to prove uses like a dry well to measure ground water, not even seepage tests before.

In this area of the city with grass permeable lawns we have too many incidents where L&I has refused to address conversion of permeable areas into hard decks, and paved lawns, yards, and

island that home owners and small contractors do every year and pay no penalty.

I shovel snow off my sidewalk onto my lawn, but many hard paved lots must shovel into the street.

We have lost too many in built-in green plans, they are now wasted. That is an L8I failure.

I recall one year PWD wanted or address runoff as a small sewershed and fashion how to correct or adjust.

Good idea. But PWD dropped it, and now has PWD uses the EPA Tool Box, as projects of intrusions and want citizens to maintain.

I do not want to trip over any more rain gardens.

Unless and until PWD will remove the causes of sewages wastes in our public streams there is no justification to increase Rates again. EPA Phase 1 is not done

Thank you,

VP FTCP

A handwritten signature in blue ink, appearing to read "Fred M. [unclear]".

Enclosure testimony

Fred Maurer
5165 D Street
Philadelphia Pa 19120
215 324 8942
March 28 2016

To Hearing Examiner Nany Brockway

Re: PWD Rate Hearing,

c/o Marie Mc Niell
Finance Division
Water Rate Board
Philadelphia Water Department
1101 Market Street
Philadelphia Pa 19107-2994

Dear Hearing Examiner:

First I note that a newspaper release for Community Meetings did not have a legal date, time or place to testify so I missed them

I am glad you admit no community meetings now.

I found it was hard to know where, and how to file my Comments because I wanted to testify at Lawncrest. Since this address was on the PWD www web page I hope this means is correct.

I want my comments to be received and duly considered by the Board.

In general

1. I recall a day when I went to the PWD service office in the MSB basement; the section was full as people waited to address their bills. It was standing room for a full hour.

It bothers me that some many people had serious needs, and then to wait an hour just to talk with PWD Staff.

Obviously there is a very bad problem situation.

I ask why do so many have a problem, and willing to wait. I do not think any one was waiting for an improper reason.

It proved to me there are too many people suffering to fix a bill problem.

I worry, are PWD bills becoming an abuser?

2. As PWD continues to escalate costs of water service bills then there will be more people harmed, and abused by the higher rate system.

I think the Hearing Examiner needs to find out why do we have so many persons are late on Bills, and had come to craft a fix.

I am certain most of it is a poverty matter.

I think the examiner needs to examine the records waiting room Service Office of problems people have as common issues, and how it can be remedied and how it related to water service rates.

Those problem persons are evidence to be considered and not to be muted.

3. I do object that rising bills will become a bigger burden on some families, and more abuse.

4. When I retired by employer cutbacks, 16 years ago to live on a fixed pension I estimated I could live a long time with normal costs of living changes.

PWD was an easy and beneficial asset, and I did not expect a big change in my lifetime.

I did not expect a doubling and will be triple in a short time. This is bad public policy, from our government. We owned the waterworks to keep from exploitation by business as tax free, and the least costs to citizen and rate payers.

PWD is not a City concession. It is a regulated monopoly, and rate payers are supposed to be charged for a consumer product of fresh water, and the pass through for equal sewerage treatment.

PWD was not organized as a conveyancer of rain waters.

5. We should not be fooled that the true costs for drinking water is solely for our use. It is a composite to include Fire Fighting and every public building in the City as a Utilities Tax, pro rata.

But it is also related to big users and bulk sales.

The Hearing Examiner needs to clarify, and incorporate a just assessment in its classes, and place it on the records.

Let's stop the game that residences are to blame as costs.

PWD Late Fee Penalty

6. One big abuse of water rates is the late penalty PWD imposed, and set by itself, as their late fees tax. It was not friendly for us.

PWD set a too high interest rate. And is compounding onto other bills like usury.

At this time when my saving earns less, some 0.01 percent, PWD is not justified any longer. It harms peoples hard up.

PWD is not poor, or in banking to profit.

I think the Examiner needs to check out this late fee, and how is it accounted.

If it is reasonable and just, then I think all late fees be placed in a fund and used for the destitute rate payers. Let's never turn off their water.

The PWD Green City Plans

7. I was horrified when PWD advocated for a one billion dollar Long Term Plan for rate payers to pay over 20 years, and City Council quickly agreed without questions or show any interest in who pays or benefits.

So much for City Council's wisdom.

It was 2 years later that City Council understood the PWD Commissioner had full authority over rates. I think it just made them jealous so now we have this new Examiner Plan.

But I note the Public Advocate is a paid consultant that testified before and independently, and in private and not in the newspapers.

I miss our independent Max Wiener and Consumer Party who expressed a real Citizen's view.

The Hearing Examiner must understand there are three permits at play Drinking water, sewage plants, and the City MS-04

8. The newest and significant Rate is from the imposition as a Storm Water Runoff charges. That comes from a Federal Demand in the MS-04 City Permit as a consolidation of fees.

MS 04 is a government permit to discharge street runoff into in the river and is not measured. It was a City Tax base under the streets department since colonial days.

It was not a PWD charge until the city decided to place it under the wealthier PWD as a rate payer charges.

The City Permit, called MS-4, is a general permit for stormwater conveyance to streams. MS-04. Was a General Tax with a millage tax.

That general tax was used for the Streets Department, when they had street cleaning and inlet duties.

Under the Rizzo administration they transferred Inlet duties to PWD.

9. It was an abuse of Rate Payers. It was not a PWD City Charter Duty.

I complained to PWD that the City is abusing the Covenants in Bond holders that the assets will not be diverted to outside uses.

I was told that the NY Bond holders gave them 10 percent freedom to spend outside of the dedicated intentions.

10. It was discovered that PWD had used Bond Holders or Rate Payers assets to be invested into failed Market swaps.

This speculation had wasted about \$ 80,000 of Rate Payers revenue.

PWD was gambling with public assets that enriched Bond Lawyers and their friends.

I think the examiner should search for more money schemes, and ask for clawbacks, and prohibit any speculation schemes.

I think the examiner should test for any surpluses and if there is any then it should be applied to reduce interest or bond redemptions.

11. Since that time we have a host of insider accommodations where PWD is a Cash-Cow-for-picking to support other City Departments.

I think the Examiner must isolate and define what general Taxes are due as support, and what is the true burden for the rate payers.

12. When the EPA and the PWD made the first CSO Long Time Management Plan and NPDES Permit it did not include the MS-04 permit

The NPDES permit was for their Pollution Control Plant at the end of a CSO waterway, and the PWD sewerage treatment Charges.

EPA Clean water Phase 2 Regulations

13. We are now in the EPA Phase 2 as an aggressive means to reduce TMDL's and water volume, and particular the First inch of rainfall.

But the new stormwater charge (MS-04 and NPDES) was never reviewed by the public. It was done by private E-Mails by the EPA and PWD and placed into a permit as the new NPDES CSO Long Term Control Plan-Upgrade. (LTCP-U) as a 20 year, one billion dollars cost for Ratepayers.

14. The new public statements was PWD “
"wants to transform Philadelphia urban landscape into a Vibrant 'green city' with clean water where people want to live and work by merging the vision of a Green City with clean water."

Coincidental the Green City was a motto theme for the election of Mayor Nutter.

After 8 years of Mayor Nutter it is time to test what has PWD accomplished in details.

Where is an annual report to the public for the 8 years as justification of this special Green City Plan. (They do have monthly reports duty)

Where is the new "urban landscape into a vibrant 'green city' with clean water where people want to live and work", or is it just puffery.

15. And where is it's a costs accounting so we may judge its next 8 years political term.

Public Records

The last time I asked to read the Rate application in the City Records office there was no printout. I was given a disk not able to use on my home computer.

I think the term Public Records mean English and readable, in a reading room, and copies.
(See Pa Right to Know Law)

16. The LTCP-U does have an economic review chapter and question?
Is the local citizens able to pay for the new charges.

In the Federal LTCP-U Permit documents there is a study section of how is the City able to bear the tax. Well that study failed in 2 states so it is a flawed economic science.

It is flawed in our in our City because the study should be the rate payers, and not averaged in with millionaires outside wealth.

It is flawed because the PWD said it serviced 1.6 mill persons.

What we do know was that at least 2 southern states had faced bankruptcy because of excess demands by the EPA regulators.

The EPA required a chapter to demonstrate the impact on the population.

Basically EPA has agreed and declared that the burden on Philadelphia rate payers is not significant,

I think the examiner must have the evidence of why EPA made this determination and its significance.

Persons is not Rate payers.

17. It is flawed because PWD has classes of Rate payers.

Thus differential classes to answer:

"Is the local citizens able to pay for the new charges."

I hardly believe those in the poverty class are not "able to pay for the new charges, and they must be exempted.

Frontage Tax and Infrastructure

18. The MS-04 Permit used to be a City Tax under the Streets Department.

The Tax was first called a frontage Tax when a building was permitted as a onetime tax. The passive infrastructure with an over 100 years life it was the Street Department ownership and maintenance as a regular City Tax and budget item.

Indeed more than 10 percent of the City is hard paved and the City's tax duty.

Streets and in inlets are not drinking water, and sewerage plants as just home owners user fees.

19. PWD was forced by the City to have rate payers pay to hide a City tax obligation.

I think it is time for the City to pay its fair share for free water and not screw rate payers.

A 10 percent from, and should be a City tax obligation to pay this federal demand. Not by drinking water rate payers.

Maybe we can do it as a gradual of 1 percent for 10 years to ease their pain.

Will the Examiner be brave to tell the City to pay for its own duties?

20. When PWD compromised to make the rate rises in a schedule to make it palatable it was not pure sympathy for us to think happy. It needed out a slow roll-out because it takes more time to do, and bank more assets before spent. Indeed many plans were pure fantasy as they apply their Tool Box of dreams.

Business Impacts

21. What I do see it that PWD has made many demands on business that must divert income to lower the workers wealth, and no real gains.

Indeed it enriches experts, and temporary jobs to non-residents. It a make work plan not integrated into the city to preserve our own welfare. This is not a WPA offset.

I think PWD must make an accounting of costs the businesses incurred and credit back to the EPA demands. With proofs of results before any increases.

PWD-EPA Tool Boxes

22. Under the LTCP-U ideas are many methods to conserve rainwater Like Rain Barrels. To push its plan PWD had many Water Ice Public Relations events.

At one City row house block in south Philadelphia the residents were induced to convert their black-tar flat roof into water retention Green Roofs.

Accordingly to a newspaper article the row houses were coated in a plastic silver roof, which reflect sun rays, but is more slick and a faster runoff. It was never a sound idea)

Tacony Creek Park CSO's

23. I do want to address a local concern of Tacony Creek and its CSO's.

It was built in 1929 to serve a quarter of the City land and suburbs for sewerage Pollution Plant. Now under the NPDES Permit with PWD It is our sewerages bill as Rate Payers.

This Rate proposal means almost a quarter of the rate payers in this watershed will pay a quarter billion, but they will not benefit.

That means we pay more and get zero.

Because the local problems are upstream, all of Cheltenham and parts of Abington.

A 2 year rain storm will rise the Tacony Creek from 22 inches, to 12/13 feet high.

And any quick one year storm will divert sewage into the Creek CSO

So we have a perpetual polluted creek.

The LTCP-U Rate Proposal will cost us more, and still do nothing for us.

24. I ask Where is our vibrant "green city" with clean water in Tacony Creek watershed.

I informed PWD and the EPA of this CSO fault in the LTCP-U.

I informed them that Cheltenham needs to build a pollution control plant for its over 35,000 residents, shopping malls, hospitals and schools, etc

Until that upstream Plant, or a separate sewage line is built, the LTCP-U is useless for us, so why do we pay for nothing.

The CWA intended for safe standards in all waterways, as fishable and swimmable, but this new LTCP-U plan does not even attempt to comply with public standards inside the City and its ratepayers.

After a CSO storm I can visit the creek and find fecal, and toilet paper shreds in the gravel. Historic fecal tests were over 2,000 units.

I think the Examiner should concede that the rate is not justified for this quarter of rate payers, and I ask to withhold until an up- stream pollution plan is confirmed and will work in this watershed.

The best means may be to that this quarter of the Rate Payers into a trust fund for a pollution Control plan at the City Line, or elsewhere.

CSO TMDL Total

25. The EPA has a mission to measure pollution and solid wastes as a load.

Tacony Creek as a CSO creek has two flows.

A part of the CSO load is contained in the sewage pipes line goes to the Pollution Treatment Plant is regulated.

But in a storm a part of the sewage in a CSO sewage will outfall into the creek are conveyed in this open stream, and the Frankford Canal to flow into the Delaware River as untreated TMDLs, and is not regulated.

The last measuring point was the Aramingo Bridge overpass. There are no known tests at that point.

Thus about 8 miles of pollution flow and are not measured.

The CWA intended for safe standards in all waterways, as fishable and swimmable, into the Delaware River, but this new LTCP-U plan does not even attempt to comply with public standards.

Money Money Money

26. We had problems in PWD asset diversion. The diversion to invest in Swap Plans failed and we lost cash assets.

The Examiner needs to check that cash assets are secure, with proofs, or we need a Forensic Audit test.

27. There is a major cash diversion that I complained to PWD. They were violating the Bond Covenants that rate payers are to repay bonds, are not diverting.

We need to verify the integrity to the bondholders that only covenanted projects are performed, and unused money is to be paid to the Sinking Fund, with no diversions.

28. PWD is becoming cash cow for the City to take over City taxable obligations.

PWD told me that Wall Street will allow some percentage. It looks like PWD may be using 10 percent as free money. That is not a small accommodation

I will cite one major example of willful diversion.

PWD has made some 501.c3 and are called education. But it was done more to satisfy political whims to avoid a tax budget item in the Parks Department to replace its Nature Education Division.

The Fairmount Park nature centers are paid from water rate payers.

I call it mis-use of Rate Payers intentions.

I think the examiner should consider that Rate Payers money are dedicated to its own mission as not violable.

Lawncrest playground

29. I cite with a local issue here on the Lawncrest play ground site.

PWD has a plan to divert dirty street runoff into this Recreation Center, and create ponds and wet spot devices.

Because, PWD thinks all public open spaces must be made into water pens.

In this case we found the real runoff need was adjacent, and on City owed lots as the true cause, and devises were not placed or planned there.

The City violated its own Ordinance for the first inch to be contained on its own lots. And PWD exempted those close City lots.

I don't think our local rate payers want to pay to harm our own Recreation Centers.

PWD never responded a Plan B to save our public use from harms.

The Examiner should be aware that rate payers should not pay to destroy its dedicated public features in Parks and Playgrounds.

I suggest there be a stipulation that any taking or conversion of public spaces need due process and a valid vote by City Council on that site.

Because Tax payers paid to make it, and PWD with Rates Payers have no right to harm it.

Where is our vibrant "green city" with clean water?

NPDES PWD LTCP-U

30. The Rate Proposal is based upon the EPA-NPDES permit for CSO plants.

In my experience with CSOs I uncovered that the pollution load in Tacony Creek can never be reduced because the entire sewage of Cheltenham and parts of Abington Townships are delivered to overflow in this City Park.

The pollution loads of 35,000 residents, hospitals, shopping malls and factories outside of the City are not in this City permit, and corrections.

The US-EPA knows of this defect in the NPDES System.

PWD Rate Payers can never reduce the CSO loads in the City until there is a Separate sewerage system. Which PWD refuses to initiate.

I think the examiner should find that no increase in rates are justified until there is a credible plan to reduce CSO overflows in all creeks.

For Tacony Creek the credible plan is for Cheltenham to stop the conversion of vacant Abington Golf Club thousands of units into a Sewage Treatment Plant, and infiltration zones. For their own NPDES Permit.

PWD may lose some treatment revenue, but we save costs and have less pollution.

The Parcel based origin

LTCP-U 1.2.4.5

31. I will object that PWD did not convene a Citizen Advisory Council to make a declaration on storm water charges and fees.

I was on the SW-CAC as part of the Clean Water Act that required a CAC and a 5 years term.

The work of the CAC was public education to sponsor events, children art themes on water pollution, and posters on subways or buses, and inlet stencils with the PEC Consultant.

We never addressed billing or charges as a requirement to advise.

While PWD may have used us as a sounding board for criticism and inspiration we did not make any reports or policies.

The Citizens Stormwater Council was informed of the efforts to charge a runoff fee for certain properties. We were told that surface paved parking lots were a big contributor of non-source pollution, and PWD would impose a fee, until runoff ended. It was a runoff fee.

We were told that the charges were to be paid for the maintenance of Fairmount Park, and not held back for themselves.

The test case was a surface parking lot parcel on N 9th street. The police lot.

In its last meeting PWD tried to make us a vote to approve their Stormwater fee plan.

It was never voted.

We objected that we were not informed in financial matters, and we had no right to impose any charges.

I saw it as PWD trickery, and abuse of the SW-CAC.

This was the end of the SW-CAC., PWD terminated it as a "budget matter", and used the remaining CAC as a drinking water quality forum.

Later we found that the Alliance of Parks had met with Michael Nutter in his election campaign, and he approved of the parking lot charges as a way to fund the parks.

(His \$ 8.4 million promise that did not come)

The Stormwater Council was informed of the PWD efforts to charge certain industries because they draw water from the system and do not release it back into the system. PWD wanted industries to recycle rainwater's back to the businesses as roof storage to reduce use costs.

When PWD announced their master plan to charge land holders a fee for rain water conveyance the groups of 200 large businesses objected and forced their compromise.

But. The general public had no advocate as the PWD imposed a fee on all lot holders.

While it was said to be a storm waters conveyance fee the fact is that the storm water system was imbedded in the past 100 years as a general tax, and PWD did not prove its costs by science. They used the label of a Green City, which was the motto for the election of Mayor Nutter.

No where did the Green City sponsors tell us that we were to be billed one billion, as a water tax

When I saw the announced parcel based fee it looked like the Henry George flat land tax theory.

That land tax was the disruption causes in the Pittsburgh City finances.

It also reminded you when this kind of plan was placed in Jackson County Alabama it forced municipal bankruptcy, Some other states have similar problems because they tried to do too much.

PWD intended to charge the runoff fees to all lot holders including homes that are not in the system.

As a city wide fee it is a General tax, and regardless of how it is called, as the Robert's Court said, if it acts like a tax, it is a tax.

I think the examiner must clarify what a parcel-based fee. It is a general tax, and can PWD impose this tax.

In the Parcel based tax PWD included non-profit institutions that by state law are not land taxed.

The large open space cemeteries contribute to the public health environment in a landscaped park setting. PWD defines them as runoff abusers just because they have much acreage.

There is no evidence that cemeteries, and historic laws to prevent runoff over an adjacent property actually cause excess runoff.

In fact some cemeteries have spring waters that refresh local streams underground, The snow melt and winters storage release, as percolation to the local aquifers are prevention of runoff.

As a special zoned parcel I think the examiner must ask for an environmental impact study to quantify the runoff harms of local cemeteries.

Parcel Based Rates

31. The big increase in PWD Rates are a big change from measuring treated water into taxing rainfall as city re-development plan.

Much of it is based on false assumption that we are in total control of land, and can made an acreage tax.

First of all we must note that when the City was not built up and was all green Indian land we still had a base natural runoff.

Second, all rivers and most streams originate outside of the city and have excess flow peak flow already.

PWD has not stated we are doing this for the benefit of downstream users.

After I read the 1,000 page PWD LTCP-U it looks like the EPA and the PWD agreed to make cookbook, Tool Box, projects all over the city and just hopes.

The City Green Works became a theme to elect Mayor Nutter and placate the Parks Alliance and the Horticulture society elections dream, and not to serve the rate payer public.

The NPDES Permit LTCP

32. The PWD permit expired 4 years ago with a plan called the Long Time Control Plan.

That last PWD plan had a \$ 48 Million plan to improve equipments and projects.

It was a do-able cost and some of the costs ware paid by Grants,

When the CWA began PWD had a \$ 250 millions plan to improve the Treatment Plants, and it was funded by Bonds.

This Year PWD had a one Billion plan, and in advance made a series of rates increases.

The EPA and PWD Combined the MS-04 and the NPSES permits into one plan as an Upgrade from the LTCP.

But it is not a true continuation of the last permit.

In the last 4 years EPA and the PWD had secret E-Mails to make this new Upgrade plan.

I do not see the legal authorization to combine this Permit

I think the examiner must have all the evidences that transpired to make this monstrous 1,000 page document and I ask to deny any overstepping.

I know the Building industry and finance merchants are greedy divide up their pot of gold in constructions.

But when I ask who won and who lost it is not the rates payers.

The Citizens committee PWD SW-CAC and perjury

33. I was at the last PWD Stormwater Council when a stranger PWD manager asked us to approve the power point presentation, and when we were asked to approve the PWD one Billion Rate plan.

The SW-CAC council had no other information on the plan and we were not ready to act.

I argued it was not appropriate for an Stormwater Advisory Council to consent or approve any rate changes.

After the debate we did not vote.

When I read the PWD LTCP-U it falsely stated a citizens committee had approved the rate increase.

We did not!

That was the last Stormwater Advisory Council Meeting.

PWD then terminated the Council, and made it into a focus group on water quality.

Conclusion

34. I think PWD has exceeded its regulatory powers and the Rate Application should be suspended, and allow City Council to make a new findings.

The examiner report should be for the document for City Council to review.

I Ask

When each or every property achieves the predicted, or cannot achieve more runoff diversion will the PWD reduce or eliminate the tax on each lot holder?

That was the basis for the excess charge in this LTCP-U,

Or is it just a means to forever bill us high just because they have the power to tax us.

Thank you

F M

If invited I will come to testify.