



To: Board of Commissioners
From: Maya K. van Rossum, the Delaware Riverkeeper
Re: Recommended language modifications for Ordinance 2013-21 Comprehensive Integrated College Development.
Date: 12/6/13

The Delaware Riverkeeper Network would like to propose modifications for the Ordinance 2013-21 Comprehensive Integrated College Development.

- ✓ Proposed language is included in the attached redlined version of the ordinance.
- ✓ Additional explanation for the proposed modifications can be found in the attached 11/11/13 memorandum.
- ✓ A summary of our suggested modifications follows:

The Preserved Land Obligation should be tied to impervious coverage not building coverage.

The Preserved land obligation should be linked to the level of impervious coverage as opposed to building coverage. Impervious coverage, whether it is buildings, parking lots, side walks, patio space, paved sitting areas, etc are all triggers for increased runoff, with the nonbuilding areas often being a more significant source for pollution. Therefore the preserved land obligation to mitigate these harms should be associated with impervious coverage over 30% as opposed to building coverage over 30%.

In addition, the preserved land obligation should be for new open space, not areas already part of the campus, and should be lands that are primarily vegetated with native trees and shrubs, not mowed lawns.

The stream buffer requirement needs to be enhanced to reflect current science.

The ordinance should include minimum 100-foot buffer requirements, with larger buffers for impaired and exceptional value/high quality waters. 50-foot buffers only provide a minimal amount of water quality and flood peak protection. Scientific research advocates for the larger buffers we propose.

The Ordinance should mandate the most up to date stormwater practices.

Given that Villanova has received significant funding to ensure the City of Philadelphia is implementing all best practices for addressing the pollution and flooding problems that result from stormwater runoff, it is more than appropriate that their proposed zoning change includes a

commitment to use the most up-to-date science and practices on stormwater management in Radnor Township where it is located.

The CICD should mandate that projects built under this ordinance provision comply with the US EPA “Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act”.

Currently Villanova is proposing to use detention basins for almost the entire volume of runoff from their proposed development site – detention basins do not provide best protection from the harms of stormwater runoff. While the Villanova site already generates stormwater runoff, the redevelopment of the site offers an opportunity to use best stormwater practices. Additionally, this new ordinance will affect other sites in the township; enhanced stormwater practices at these sites is also of importance and value.

Delaware Riverkeeper Network does not agree with the suggestion that it is not appropriate to include enhanced stormwater requirements in the proposed CICD zoning ordinance. The proposed ordinance includes a number of diversions from Township mandates, it is perfectly appropriate to include among these improved stormwater strategies.

In the alternative, institutions that avail themselves of this ordinance should be required to apply the CG1 standard in Pennsylvania’s Stormwater BMP Manual and to run its calculations assuming a pre-existing condition of meadow. In the absence of this mandate, Villanova could literally get away with not doing any volume control under Pennsylvania’s Stormwater BMP Manual because of a loophole that otherwise exists for redevelopment projects.

Excessive impervious limits need to be addressed.

The proposed impervious coverage allowance of “45% or 10% less than the existing Impervious Surface Ratio on the proposed CICD site, whichever is greater” is excessive. The science is well settled that at 10% imperviousness in a watershed streams are already starting to be impacted, at 30% imperviousness streams are degraded. Using the EPA Technical Guidance would help ensure the level of imperviousness is not allowed to overwhelm the site, the creeks or the communities by insuring proper volume control. If that stormwater management approach is not included in the CICD then the impervious cover requirement needs to be significantly reduced. Ordinance language modifications should include:

- removing the “10% less than existing” site conditions provision, and/or
- include a mandate that any imperviousness over 10% be offset by the purchase and preservation of forested open space within the same sub-watershed as the construction taking place.

Impact statement requirement needs supportive objective standards to be of legal value.

The Impact statement requirement in section 3 does not provide the level of protection needed from bad proposals. The additional standards and submittal requirements the Delaware Riverkeeper Network recommends will make it easier for the Township to assess the true impact of what is being proposed, which will strengthen the Township’s hand in imposing meaningful conditions on any approval.