

# SEWER RENT PLAN 'DISCRIMINATORY,' EXPERT DECLARES

But Witness Admits Charge Based on Water Use Is Fair

Philadelphia cannot have a fair sewer rent until all its 460,000 properties using water are metered, Prof. William S. Pardee, of the University of Pennsylvania, declared at a City Hall hearing yesterday.

Pointing out that only 225,000 properties have meters, Pardee declared an \$8 minimum rate metered as against a \$15 minimum for nonmetered properties is inequitable and discriminatory.

Even if metered water used on water rates, would be equally unfair, he said.

Testifying as an expert hydraulic engineer, Pardee was in an equity suit before Judge Gerald F. Flood in Common Pleas Court No. 4 to halt the new rate designed to finance the city's \$42,000,000 project to end its pollution of its rivers.

In cross-examination, however, City Solicitor Frank F. Truscott scored a point in Pardee's new rent when he brought out that property owners have the privilege of installing water meters, though not forced to do so.

"Even if metered, though," Pardee insisted, "the rent would be inequitable because so few people use the amount of water that is allowed under the minimum charges."

Pardee also said: "I admit that the principle of basing sewer charges on water use is fair."

City Defeated Twice

The city has failed in two other efforts to devise a "sewer rent" that will pass legal muster. The two bills, one in 1928 and one in 1931 in part on real estate assessments, were ruled out by the State Supreme Court as being designed to raise real estate taxes. The new and third rent, ranging from 50 to 100 percent of water charges, is under attack by a taxpayer, by the Philadelphia Real Estate Board, by five neighborhood real estate associations and by the United Businessmen's Association.

Truscott won a ruling yesterday Flood knocking out part of Pardee's testimony. The hydraulics expert cited tests at the university showing that different sizes of water pipe hooked up with the same size stopcock or "ferule" permitted various rates of flow. Since minimum rates vary according to the size of the ferule, Pardee contended those rates are not a fair measure of water use. That testimony was stricken, however, when Truscott testified an admission that Pardee's tests were "based on an illegality" because of legal limitations on sizes of connecting pipes, ferrules and water meters.

**City Gets 28 Allies**  
To the city's aid yesterday came 28 allies who were allowed to intervene in defense of the controversial sewer rent, which is intended to yield interest and carrying charges on the consolidated \$42,000,000 sewage-disposal plant. Intervening were the State, the Interstate Commission on the Delaware River Basin, the Schuylkill River Valley Restoration Association, the Philadelphia Boosters Association, the Chamber of Commerce and Board of Trade of Philadelphia and other civic organizations.

The Philadelphia Real Estate Board, leader in the attack on the rent, yesterday pointed out that real estate taxpayers contribute nearly 50 percent in property taxes to the support of the city government. Attorney J. Wesley McWilliams told Judge Flood \$20,000,000 in property tax, or over 60 percent, of the \$138,000,000 collected by the city and the School District this year.

The hearing will resume today.

## Philadelphia Water Department Historical Collection 2004.019.012A

## Post-War City Projects may Provide 120 Million Man-Hours of Jobs

A vast reservoir of jobs—120,000,000 man-hours of employment to cushion workers against the lull from war activities—was envisioned as one possible result of adoption of the City Planning Commission's program for a better, better Philadelphia.

Announced yesterday by Mayor Samuel with the comment that the city will support the reconstruction to the limit of its financial resources, the \$385,203,718 program is intended to be carried out in large measure between 1945 and 1950, inclusive. It calls for completion of these projects first:

1. Sewer collection and treatment.
2. Waterworks rehabilitation.
3. City-State highway program.
4. Removal of the so-called "Chinatown," extension of the Mar-

ket st. subway to 42d st., at a cost of \$24,490,000; full development of the 30th St. Station facilities.

**1,108 Projects on List**  
There are other projects—1,108 in all, including the reconstruction of 16 new schools, work on the port and the building of a \$17,000,000 vehicular tunnel under the Delaware River. Of the construction projects there were 604 which the council ordered satisfactory for quick action at an estimated cost of \$205,600,000.

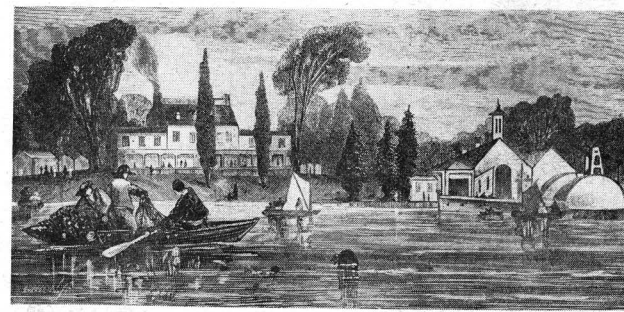
The 1936 summary was the first such report from the commission, of which Edward Hopkinson, is chairman. Under the ordinance by which it was created, the committee will submit annual reports in the future, each to cover a six-year period.

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# PHILADELPHIA RECORD

WEDNESDAY, OCTOBER 18, 1944 SECOND SECTION

## Sewage a Fragrant Problem Since 1907



ABOUT 100 YEARS AGO it was possible to catch live fish in the Delaware at Tacony. Now the fly leech in the river have been dead so long they add to the stench.

### By LEEDS MOBERLEY

"The most important and urgent problem confronting the city is the collection and treatment of its sewage."

So declares the City Planning Commission in the report transmitting its first public improvements program to City Council—a preliminary schedule of projects recommended for development during the next six years.

At the present time," the report continues, "the city discharges into the Delaware River numerous points south of the Northeast sewage treatment works (at Wheatsteeff In.) and into the Schuylkill River below Fairmount Dam a daily average of 400,000,000 gallons of sewage, of which more than 80 percent does not receive even primary treatment."

### DANGEROUS CONDITIONS

"This situation does not result in pollution of the city's own water supply, because of the protection already provided at the Northeast plant. However, it does produce evil-smelling, unsanitary and sometimes dangerous conditions in the principal watercourses of the city, with serious effects on the welfare of Philadelphia and on the commerce of the port."

But there is no disagreement about the other—"evil-smelling, unsanitary and sometimes dangerous" conditions which have converted our two rivers into open sewers and our port into a cesspool.

### FISH CAN'T LIVE

Some of the older Philadelphians may remember the days when there was a big catch of

TRAFALG JAMS on the river were common between here and Camden during the early days of the last century. Now shipowners complain that the water is so bad it damages the hulls of their vessels.

shad every year in the Delaware, but no fish can live in water that is so polluted it makes battleships turn green around the gills.

The port is busy now because of the war, but no fish can live in water that is so polluted it makes battleships turn green around the gills. The port is busy now because of the war, but no fish can live in water that is so polluted it makes battleships turn green around the gills.

### WATER HAZARD

But nobody would dare dump Delaware River water into his boilers. Just the gases released by the putrefying sewage change the color of a city's paint and corrode the exposed metal work

around and nauseate men working around the waterfront. The chemicals in the water will eat through the plates of the hull in time.

The port is handling more than double its supposed capacity now (tonnage figures are a military secret) and the Chamber of Commerce and Board of Trade, through its merchant marine committee, is working on a program to keep it humming—and expand its business further—after the war.

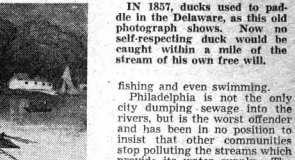
It's a salesmanship job, a job of convincing shippers of Philadelphia's advantages, including the close link with Baltimore (now a favored port) through the Chesapeake and Delaware Canal, which was finished only four years ago. For that reason, the committee lists correction of pollution as the port's greatest need.

### FREE PORT AREA

Bartol's committee also is studying the desirability of establishing a free port area in Philadelphia, building a union terminal for trucks with waterfront cargo and the creation of a Port Authority for public control of the waterfront.

The State Postwar Planning Commission also is undertaking a study of port needs—including Erie and Pittsburgh as well as Philadelphia.

Cleaning up the rivers will not only be a boon to the port—it also will open the way for general beautification of the waterfront and even the use of both the Delaware and the Schuylkill for pleasure boating.



IN 1837, ducks used to paddle in the Delaware, as this old photograph shows. Now no self-respecting duck would be caught within a mile of the stream of his own free will.

fishing and even swimming. Philadelphia is not the only city dumping sewage into the rivers, but is the worst offender and has been in no position to insist that other communities stop polluting the streams which provide its water supply.

### PROBLEM SINCE 1907

Philadelphia has been dealing with the sewage disposal problem since 1907. A start was made on the construction of intercepting sewers in 1916 and approximately 30 miles have been built. But it took prodding by the State, and finally in 1922 the city made an agreement to spend \$30,000,000 on new sewage disposal work.

It fell behind in 1929, and has done no construction since. It will take about \$39,600,000 to finish what needs to be done—extension and rehabilitation of the Northeast plant, construction of the Southwest and Southeast plants, on the lower Schuylkill and Delaware, respectively, together with construction of 37 miles of intercepting and other sewers.

### DEFUND BY DUFF

Mr. Truscott is being aided as intervenor by State's Attorney General James H. Duff, by Ellwood S. Turner, who filed an appearance before the Interstate Commerce Commission in the Delaware River Basin, and by James Allen Montgomery Jr., who intervened in support of 23 civic groups.

## 30 Groups Aid City in Sewer Suit Support Given To Rental Plan

More than 30 civic, professional and business groups yesterday came to the support of the city in a taxpayers' suit attacking the constitutionality of the sewer rent ordinance passed last April 20.

Hearing in the case, which opened yesterday before Judge Gerald F. Flood in Common Pleas Court No. 4, Room 26, City Hall, is on a suit in equity seeking to restrain the City of Philadelphia from putting the ordinance in effect.

### SEWER RENTAL PLAN

The various groups were permitted by the Court to intervene to aid the city in its fight for the measure, which would provide a sewer-plant plan to raise approximately \$42,000,000 to finance a sewage-disposal program to relieve pollution in the Delaware and Schuylkill Rivers.

Plaintiffs in the action are John J. Geick, 2537 S. 18th st., a Federal employe, the Philadelphia Real Estate Board, five real estate organizations and the United Business Men's Association.

### TESTIMONY BARRED

The plaintiffs in the suit are being represented by J. Wesley McWilliams while City Solicitor Frank F. Truscott is arguing the case for the defendants, including Mayor Bernard Samuel and other city officials.

Testimony of W. Sprague Pardee, professor of hydraulics of the University of Pennsylvania, regarding a number of tests he had made with various sizes of water pipes, ferrules and meters was ordered stricken from the record by Judge Flood who sustained an objection of Mr. Truscott.

### DEFENSE OBJECTED

The Court ruled out testimony about the tests on the defense's objection that the size of pipes and meters used did not conform with existing ordinances.

Mr. Pardee also testified that sewer rates under the entire city were metered 100 percent on water. He also told the court that the new sewer rent would be based on the amount of water bills now rendered but there would be no direct relationship between the new sewer bills and the quantity of water supplied.

### INTERVIEW BY DUFF

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The Philadelphia Chamber of Commerce also intervened as defendant as did Judge Samuel L. Lather in behalf of the Schuylkill River and Delaware River Boatmen and the Philadelphia Boosters.

Third of a series. Tomorrow's article on plans for hospitals, parks and playgrounds will appear on another page of The Record.