

AMENDMENT “A”

**Proposed Amendments to Resolution 148,
Region II Sewer Service Allocation Policy**

Proposed by: Councilman Foster
Date: January 22, 2008

Proposed Amendments: Page 8, SECTION 6, PHASING, is deleted in its entirety.

1. Purpose of the Proposed Amendment:

To eliminate the portion of the policy that allows award of capacity for future years in connection with multi-year projects.

2. Substantive: This is a Resolution, not an Ordinance, and is therefore not subject to the requirement in Charter § 213 (d) that substantive amendments be re-advertised for another public hearing prior to adoption.

~~6. PHASING~~

~~A. Purpose.~~

~~Finite capacity within each Sewer Service Area limits the ability to commit capacity to multi-year projects and reserve capacity to allocate to other applicants in future years. Developers of multi year projects may request a predictable and fixed advance commitment of sewer capacity for future phases in order to make long term commitments to underwrite capital costs for infrastructure for a period not to exceed 10 years. Reservation and allocation of treatment capacity without payment of associated capital and operating charges, and denial of that capacity to other qualified applicants ready to pay those charges, undermines the County's ability to adequately fund its bond indebtedness. This policy attempts to balance these competing interests to permit a phased, multi-year commitment to provide future capacity to a developer proposing a phased development project.~~

~~B. Procedure.~~

~~Phasing may be used to allocate capacity to a portion of a multi year development project that has received or is eligible to receive final approval under applicable site plan or subdivision regulations. Applicants may request allocation of sewer capacity for future years provided the following requirements are met:~~

~~(a) The area is or is anticipated to become eligible for sewer service under applicable CWSP mapping classification and criteria. The requisite map classification must be either in existence or, before the date the capacity is to be utilized, the Applicant must apply for and obtain an amendment to the CWSP to re-map the area to make it eligible for sewer service.~~

~~(b) Phased allocation of capacity is conditioned upon the required map amendments being adopted by the County Council. DPW's agreement for a phased allocation is wholly independent of the CWSP map amendment process, and of itself does not guarantee or represent that any required or proposed map amendments will be adopted.~~

~~(c) Committed Capacity shall be limited to the maximum amount required to serve areas currently eligible for sewer service. Committed Capacity shall not be allocated to areas that are not currently eligible for sewer service until requisite map amendments have been adopted.~~

~~(d) Committed Capacity for future phases shall not be awarded at a rate greater than 50% of the total Annual Capacity for the Sewer Service Area. The County Engineer may reduce that maximum rate based upon existing or anticipated competing demands for service in the Sewer Service Area.~~

~~(e) The Sewer Service Area will have future Annual Capacity available for each ensuing phase of the project under the formula in Section 4 E.~~

~~(f) The applicant enters into a PWA setting forth phasing requirements and timetables, payment terms, and such additional or supplemental terms, conditions, limitations, and contingencies required by the County Engineer. These terms shall be in addition to those required by Section 5 D. (5) (b).~~

~~(g) The applicant shall have paid all prior wastewater capital charges and other fees associated with prior allocations. Wastewater capital charges and all other fees for each ensuing phase of the project are due in full on January 1 of each ensuing year for which the applicant receives phased allocation.~~

~~(h) The County and DPW reserve the right to limit the reservation and allocation of EDU's in order to maintain and ensure the integrity of the WWTP and compliance with State and Federal laws and regulations, and the allocation and reservation shall be expressly subject to compliance with all such laws and regulations and the existence of capacity and facilities to serve the property for which the application is made.~~

C. Limitations.

Capacity allocated to a phased development project shall not be awarded unless the following conditions exist for the calendar year in which capacity has been allocated:

- ~~(1) The allocation complies with all provisions of the CWSP and this policy at the time of the allocation.~~

~~(2) The allocation complies with all then applicable State and federal statutes, rules, and regulations, and is consistent with all permit requirements, limitations, or restrictions.~~