

RESOLUTION NO. 2014-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN WESTMORELAND MUNICIPAL AUTHORITY AMENDING AND SUPPLEMENTING RESOLUTIONS NO. 2005-6, 2005-9 AND 2007-04; SETTING FORTH PROCEDURES FOR CHARGES FOR REVIEW AND/OR APPROVAL OF SEWAGE PLANNING FOR DEVELOPMENTS, INCLUDING PLANNING MODULES; PROVISIONS FOR THE IMPOSITION, BILLING AND COLLECTION OF SUCH FEES; MAKING OTHER PROVISIONS RELATIVE TO SUCH FEES; AND PROVISIONS RELATIVE TO THE CORRECTIVE ACTION PLAN, TAP ALLOCATION PLAN AND CONSENT ORDER AND AGREEMENT TO WHICH THE AUTHORITY IS SUBJECT.

WHEREAS, §5607(d) of the Municipality Authorities Act (53 P.S. §5607(d)) provides that every Authority may exercise all powers necessary or convenient for the carrying out of the purposes set forth in this Section (§5607) of the Act, including but without limiting the generality of the foregoing, the following rights and powers; and

WHEREAS, Subsection 9 of said Section authorizes every Authority to fix, alter, charge and collect rates and other charges in the areas served by its facilities at reasonable and uniform rates to be determined exclusively by it for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of such obligations, or with a municipality and to determine by itself exclusively the services and improvements required to provide adequate, safe and reasonable services, including extensions thereof, in the areas served; and

WHEREAS, Subsection 17 authorizes every Authority to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority and to carry out the powers granted to it by this [Act] or other law; and

WHEREAS, Subsection 24 authorizes every Authority to charge enumerated fees to property owners who desire to or are required to connect to the Authority's sewer or water system. Fees shall be based upon the duly adopted fee schedule which is in effect at the time of payment and shall be payable at the time of application or connection or at a time to which the property owner and the Authority shall agree. In the case of projects to serve existing developments the fee shall be payable at a time determined by the Authority. The Authority may require that no capacity be guaranteed for a property owner until the tapping fees have been paid or secured by other financial security. The fees shall be in addition to any charges assessed against the property in construction of a sewer or water main by the Authority under [other subsections of this section] as well as any other user charges imposed by the Authority under [other subsections of this section] which shall not include costs included in the calculation of such fee; and

WHEREAS, pursuant to Resolutions No. 2005-6, 2005-9 and 2007-04, the Authority established a capacity tapping fee and charges for the same, together with provisions for the billing and collection of such fee; and procedures relative to both residential and non-residential users; and

WHEREAS, the Authority is subject to a Corrective Action Plan, a Tap Allocation Plan and a Consent Order and Agreement relative to the use of its Sewage Facilities, which, *inter alia*, require additional Sewage Planning reviews by the Authority and its consulting engineers and certain procedures, limitation and restriction on additional connection of properties and users to its Sewage Facilities; and

WHEREAS, the Board of Directors of the Authority finds it appropriate and necessary to amend and supplement said Resolutions concerning developers and users.

NOW THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED by the Board of Directors of the Western Westmoreland Municipal Authority as follows:

SECTION I; Resolutions No. 2005-6, 2005-9 and 2007-04 are hereby amended and supplemented to establish the following procedures and fees for new connections to its Sewage Facilities, including but not limited to those requiring planning review and/or approval:

WESTERN WESTMORELAND MUNICIPAL AUTHORITY
CAPACITY TAPPING FEE AND PLANNING REVIEW FEE PROCEDURES

Pursuant to Resolution 2005-6, as amended by Resolution 2005-9, the Western Westmoreland Municipal Authority (WWMA) imposed a Capacity Tapping Fee Charge. The Fee is in the amount of \$1,500.00 for each Equivalent Dwelling Unit (EDU). An EDU is further defined in the Service Agreement and Article 9.03, Basis of Charges, in the WWMA Sewer Use Rules and Regulations. The Capacity Tapping Fee is based upon an analysis performed by the Authority's Consulting Engineers, which analysis was approved and adopted by the Authority's Board of Directors as part of Resolution 2005-6, and subsequently amended and approved by Resolution No. 2005-9.

The Resolution and the Capacity Tapping Fee was effective as of October 20, 2005.

Pursuant to the Municipality Authorities Act (53 Pa.C.S. Section 5601 et seq., and in particular pursuant to Section 5607 d. (24)) the Authority is empowered to charge enumerated fees to property owners who desire to or are required to connect to the Authority's sewer system. Fees shall be based upon the duly adopted fee schedule which is in effect at the time of payment and shall be payable at the time of application for connection or at a time to which the property owner and the Authority agree.

The Resolutions provide that each Service Municipality or Service Authority has the option to collect the capacity tapping fee and remit it to the Western Westmoreland Municipal Authority, or any Service Municipality or Service Authority can elect to have the Western Westmoreland Municipal Authority collect the fee.

The capacity tapping fee charge is due the Western Westmoreland Municipal Authority when the first of any of the following occur:

A tapping fee charged by the Service Municipality or Service Authority is paid to such Service Municipality or Service Authority; or

Sewage planning is approved for a property or development by the Western Westmoreland Municipal Authority; or

Sewage planning exemption is approved for a property or development by the Western Westmoreland Municipal Authority.

If prior to October 20, 2005, a property owner applied to a Service Municipality or Service Authority for a tap connection, paid in full a tapping fee charged by the Service Municipality or Service Authority and was granted a tap connection by the Service Municipality or Service Authority, then such property owner shall be exempt from the payment of the capacity tapping fee charge imposed by the Western Westmoreland Municipal Authority, upon satisfactory written proof submitted to the Western Westmoreland Municipal Authority.

If prior to October 20, 2005, a property owner received sewage planning approval for a property or development from the Western Westmoreland Municipal Authority or sewage planning exemption for a property or development from the Western Westmoreland Municipal Authority, then the property owner may be exempt from the payment of the capacity tapping fee charge imposed by the Western Westmoreland Municipal Authority. Each such case shall be determined upon an application to the Western Westmoreland Municipal Authority and based upon the law and regulations applicable to each case.

If a Service Municipality or Service Authority delegates to the Western Westmoreland Municipal Authority the responsibility to process applications for a capacity tapping fee charge and responsibility to collect the same, then the following procedures shall be followed:

RESIDENTIAL CONNECTIONS OR DEVELOPMENT:

The property owner and/or the developer shall apply for a "Capacity Permit" at the WWMA administrative office located at 12441 Route 993, N. Huntingdon, PA;

Please call the Authority Office at 724-864-0452 to obtain a Capacity Permit Application and/or to schedule an appointment;

Owner/developer shall provide the following:

- Property address and tax map number (also lot number if the property is located in a subdivision);
- Name, address and phone number of the property owner and/or developer;

- Copy of the Municipality's building permit and Municipality/Authority's sanitary sewer tap in or connection permit, if either or both of the same have been issued;
- Copy of the building lot drawing or tax map;
- Written authorization from the Municipality and/or its respective Authority authorizing WWMA to issue a Capacity Permit; and, if a Tap Allocation Plan is in effect, written authorization acknowledging allocation of a sanitary sewer tap(s) from its respective municipal annual Tap Allocation.
- Payment of the Capacity Tapping Fee Charge(s) in effect at that time.

NON-RESIDENTIAL CONNECTIONS OR DEVELOPMENT:

In addition to the above, in the case of a non-residential connection or development, the owner/developer must also provide:

- Copy of the approved land development plan or site plan;
- Copy of the recorded subdivision plan, if any;
- Estimated annual water consumption based upon:
 - Water records from similar type establishments; or
 - Qualified estimates based upon PaDEP Chapter 73 standards and regulations.
- If the proposed development will use more than 700 gallons per day (gpd) of water, then a PaDEP planning module approval will be required, (see below for specific requirements);

NEW SUBDIVISIONS OR NEW LAND DEVELOPMENTS:

The procedure for proposed new subdivisions or new land development requiring PaDEP planning modules and/or planning exemptions requests shall be as follows:

- The Owner/Developer shall provide the Authority with either the PaDEP Planning Exemption Request or the completed Planning Module Components 3 & 4 for review and completion of Section J, Chapter 94 Consistency Determination in regard to WWMA'S interceptor and treatment plant facilities;
- Effective March 20, 2014, a developer review fee of \$150.00 shall be due and payable at time of planning module submission to WWMA for review and completion of the above referenced Chapter 94 Consistency Determination.
- The Owner/Developer shall submit copies of the proposed development, *i.e.*, subdivision plans, site plans or land development plans.
- Additionally, the following information shall be provided:
 - Name, address, phone/fax/cell number and e-mail address of Owner/Developer;
 - Name, address, phone/fax/cell number and e-mail address of engineer; and
 - Tax map number of "parent" property.
- In the case of a non-residential development, the owner/developer shall also submit building floor plan drawings and qualified estimated water consumption based on PaDEP Chapter 73 standards and regulations and/or two (2) years of water records from similar type facilities;

- The Owner/Developer shall submit written authorization from the Municipality and/or its respective Authority authorizing WWMA to issue a Capacity Permit; and, if a Tap Allocation Plan is in effect, written authorization acknowledging allocation of the requisite number of sanitary sewer taps from its municipal annual Tap Allocation;
- Note that the use of a planning exemption is **NOT** permitted by the PaDEP if there is a CAP/TAP in effect:

If a Tap Allocation Plan is in effect the Owner/Developer shall submit a completed and executed Tap Allocation Plan Developer's Agreement, including a Schedule of Proposed Sanitary Sewer Connections, including the number of sanitary sewer taps needed annually for the proposed development;

The Owner/Developer shall pay the capacity tap fee charges at the time the planning is approved by WWMA or at the time that a planning exemption is granted by WWMA, unless the Owner/Developer enters into a Deferred Payment Agreement with WWMA at that time. Whether WWMA enters into such a deferred payment agreement is discretionary with WWMA. No capacity shall be guaranteed unless and until any and all capacity tap fee charges are paid to WWMA and to the respective Service Municipality or its Service Authority.

Upon completion of the development or any phase of the development, the Owner/Developer is required to submit a written certification from the Municipality/Authority that the sewer lines and facilities have been constructed in accordance with the approved construction drawings and have been accepted by the Municipality/Authority.

CAPACITY TAPPING FEE PERMIT APPLICATIONS are available on the Western Westmoreland Municipal Authority's web site at www.wwmaweb.com

Note regarding WWMA's Consent Order & Agreement (CO&A) and Corrective Action Plan/Tap Allocation Plan (CAP/TAP):

- WWMA has been under a PaDEP imposed CAP/TAP since June 29, 2010 and a CO&A since September 26, 2011 to eliminate sewage bypasses from its conveyance and treatment system;
- As part of the CAP/TAP, only a limited number of new sanitary connections to the WWMA system are permitted each calendar year;
- A tap request enumerating the total number of taps for each subsequent year is to be submitted by WWMA to the PaDEP by November 30th of each year that the CAP/TAP remains in effect;
- Taps are only valid in the calendar year in which they are approved by the Department, unless they have been secured (purchased);
- Any unused taps expire at the end of the calendar year and do not carry over into subsequent years.

SECTION II: Any and all provision of Resolutions No. 2005-6, 2005-9 and 2007-04 which are not inconsistent with, amended and/or supplemented by this Resolution shall remain in full force and effect.

SECTION III: Any and all provision of Resolutions No. 2005-6, 2005-9 and 2007-04 which are inconsistent with, amended and/or supplemented by this Resolution are hereby repealed.

SECTION IV: This Resolution shall take effect immediately.

RESOLVED at a regularly scheduled meeting of the Western Westmoreland Municipal Authority on the 19th day of June, 2014, a quorum being present.

WESTERN WESTMORELAND
MUNICIPAL AUTHORITY

By  _____
Chairman

ATTEST: (SEAL)

 _____
Secretary

Date: 6/19/14

CERTIFICATION

I, Barbara L. McIntyre, duly qualified Secretary of the Board of Directors of the Western Westmoreland Municipal Authority, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Resolution No. 2014-05 is a true and correct copy of the original Resolution No. 2014-05 duly passed and adopted by a majority vote of the Board of Directors of the Western Westmoreland Municipal Authority at a duly advertised and convened regular meeting held on the 19th day of June, 2014, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Authority and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Western Westmoreland Municipal Authority, this 19th day of June, 2014.

Certified to by:



Secretary