

Simsbury Water Pollution Control Authority Wastewater Capacity Allocation Policy

Adopted: June 13, 2019
Amended: June 13, 2019

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Simsbury Wastewater Treatment Plant Wastewater Capacity Allocation Policy

POLICY STATEMENT:

The Simsbury Water Pollution Control Authority (WPCA) is the governing authority responsible for overseeing the Town's wastewater collection, treatment and disposal systems. The WPCA's authorities, duties and obligations are defined in the Connecticut General Statutes. The WPCA is responsible for the allocation of capacity, management, operation and maintenance of the sanitary sewer collection system, sewer service area, and at the Simsbury Water Pollution Control Facility (WPCF). Only the Simsbury WPCA can allocate wastewater capacity, which includes both sanitary sewer and WPCF capacities, tributary to the Simsbury WPCF. It is not the intent of the Simsbury WPCA to dictate the type of development that occurs in the Town. This memorandum summarizes the WPCA Policy Statement related to the Allocation of Wastewater Capacity.

The area tributary to the Simsbury WPCF includes wastewater from the Simsbury sewer service area, as well as portions of Avon and Granby. Wastewater capacities and allocations for Avon and Granby are governed by inter-municipal agreements between the Town of Simsbury and these two communities and are not governed by the policy.

For flows originating in the Town of Simsbury, the Simsbury WPCA has designated a sewer service area. The sewer service area includes: (1) existing developed properties already connected to the sewer system; (2) in-fill properties that are developed, adjacent to the existing sewer system, but not yet connected to the sewer; (3) properties that are developed but require a sewer extension to connect to the sewer system; (4) undeveloped properties that also require a sewer extension to connect to the sewer system; and (5) properties excluded from development that cannot be connected to the sewer. Properties outside the sewer service area cannot be connected to the sewer system without an amendment to the sewer service area map.

For those parcels in the Simsbury sewer service area, wastewater capacity allocation considers current sanitary flows, expected future sanitary flows, and infiltration and inflow (I&I). The WPCA has committed to securing the future capacity for all properties paying or having paid a benefit charge. The Simsbury WPCA requires that the WPCF Superintendent develop and maintain a map and table, with corresponding information by parcel, listing the wastewater flow allocation available in equivalent dwelling units (EDUs) for each parcel in the sewer service area. This allocation is for planning purposes and is not guaranteed for any property until a benefit charge has been paid. The WPCF Superintendent shall be responsible for maintaining a record of wastewater flow allocations.

The Simsbury sanitary sewer collection system was designed in the 1970's, and was sized to accommodate a finite sewer service area and fixed wastewater capacity. The sewer pipes form a network of collector sewers that convey flow to the Simsbury WPCF. There are separate and distinct sewer sub-areas in the collection system and each has a finite wastewater capacity based on the specific pipes and hydraulic conditions. The Simsbury WPCA requires that the WPCF

Superintendent maintain a table of flow conditions for each sub-area, including total capacity allocation, current sanitary flows, future sanitary flows, I/I flows and excess/available capacity (or lack thereof). The WPCF Superintendent shall be responsible for monitoring system flows and periodically updating the Sub-Area Flows Summary Table, and providing periodic updates to the WPCA.

When a new development or the redevelopment of a parcel in the sewer service area is proposed, an application shall be prepared in accordance with the WPCA's application criteria. Key application criteria include: location, nature of development; average annual flow; maximum daily flow; and maximum flow rate. The application shall be received by the WPCF Superintendent. The WPCF Superintendent shall utilize the information in the application, the sewer service area EDUs map, as well as the Sub-Areas Flow Summary Table to assess whether wastewater capacity is available for the proposed development. In those cases where the proposed EDU allocation exceeds the map-based EDU allowance, the WPCF Superintendent shall determine whether excess capacity in that sewer sub-area is available. The applicant is responsible for pre-paying all review costs. In some cases, the WPCF Superintendent may require that the applicant also pay for an evaluation of the downstream collector sewers to determine if sewer conveyance within the sub-area is available. The WPCF Superintendent will make a recommendation to the WPCA to: approve or deny the request for wastewater capacity; confirm the required Facility Connection Charge (FCC); and develop a list of proposed special conditions associated with the proposed development. In those cases where sufficient capacity is not available in a particular sub-area, the WPCF Superintendent may offer a list of options available to the applicant in order to ensure sufficient wastewater capacity available for the proposed development.

The WPCA is responsible for determining and updating the methods for setting the availability of wastewater capacity.

SECTION 1. DEFINITIONS

The following definitions apply to this policy:

Allocate, allocated, or allocation – the amount of wastewater in EDUs or gallons per day that is assigned to a given parcel

Available Capacity – the portion of total wastewater treatment plant capacity available for allocation

Annual Daily Average Wastewater Flow (“ADAWF”) – the total daily wastewater flows recorded at the Simsbury WWTP for an entire calendar year, divided by the number of days in the calendar year

Benefit Charge – fee for costs associated with the connection or future connection to the sanitary sewer system

Capacity – the capability to convey or process a volume of wastewater, expressed in terms of gallons per day (“gpd”)

Collection System – the system of pipes and pump stations that collect and convey wastewater to the treatment plant

Committed Capacity – total outstanding commitments for wastewater capacity, including prepaid benefit charges and phased allocation

Developer’s Agreement – legal agreement between the WPCA and a developer for the installation of sanitary sewers

DPW – the Simsbury Department of Public Works

Existing Flows – the field measured, average daily wastewater flows in each sewer service sub-area, which are equal to the utilized capacity

Equivalent Dwelling Unit or “EDU” – the amount of daily wastewater flow that is attributable to an average single-family residence, calculated based on average daily water consumption and an I&I reserve

Inflow and Infiltration or “I&I” – groundwater, stormwater, or other extraneous (non-wastewater) flows that enter into the sanitary sewer collection system

Inflow & Infiltration (I&I) Reserve – capacity set aside to offset Inflow & Infiltration

Lot – a part of a subdivision or a parcel of land legally permitted for use as a building site or for building purposes

Lot of Record – a lot appearing on a subdivision plan recorded among the records of the Town of Simsbury on or before the effective date of this policy, or an existing lot or parcel created or

recognized prior to the effective date of this policy under all applicable subdivision laws, ordinances or regulations

Property Allocation – the amount of wastewater in EDUs or gallons per day that is assigned to a give parcel

Recaptured I&I – actual, verified, and stabilized reduction in I&I as determined in accordance with this policy

Record Plan – a completed drawing which contains all pertinent information required by State, federal, and local laws, ordinances, and regulations and meeting all formal recordation requirements

Sewer Service Area – the area of the Town of Simsbury permitted to have sewer by the State Office of Policy and Management

Sewer Service Sub-Area – a sub-area of the sanitary collection system established for planning and allocation purposes

Subdivision – the division of a single tract, tracts, or other parcels of land, or a part of it, into two or more lots, for the purpose, whether immediate or future, of sale or of building development

Total Maximum Daily Load “TMDL” – nutrient discharge limits based on the plant’s National Pollution Discharge Elimination System (NPDES) permit

Total Capacity – the total capacity available for allocation in each sewer service sub-area (shown in Table 1), equal to the sum of committed capacity, utilized capacity and unallocated capacity

Unallocated Capacity – the capacity still available in each sewer service sub-area, equal to the total capacity less committed capacity and utilized capacity

Utilized Capacity – the capacity that has already been allocated for each sewer service sub-area, equal to existing flows

Wastewater Treatment Plant, “Plant”, or “WWTP” – the sewage treatment facility, serving the Town of Simsbury and portions of Avon and Granby

WPCP – Simsbury Water Pollution Control Plan

Water Pollution Control Authority or “WPCA” – the local wastewater authority enabled by the Connecticut General Statutes, Chapter 103, Section 7, to prepare a water pollution control plan, define the general service area, and levy assessments for the benefit of the same

SECTION 2. GENERAL

A. Applicability

This policy applies to land within the Town of Simsbury sewer service area and regulates the capacity available to each parcel in an effort to provide an equitable and thoughtful distribution of the available system capacity. This policy does not apply to Avon or Granby.

B. Sewer Service Sub-Areas

Capacity shall be calculated separately for each sewer sub-areas (shown on map in appendix). The WWTP presently receives wastewater flow from ten (10) sewer service sub-areas and portions of Avon and Granby with applicable inter-municipal agreements.

C. Map classification and other requirements

This policy does not affect the WPCP map classifications or the processes by which those classifications are changed. The limits of the sewer service area are determined by the State of Connecticut. Conformity with the WPCP map classification and all other requirements, as amended from time to time, is a pre-requisite to sewer allocation.

SECTION 3. PURPOSE

This policy is intended to establish a balanced, coordinated planning process to allocate capacity and maintain an adequate reserve of capacity for future growth. The policy promotes public health, safety and welfare through a process that will:

1. Ensure sufficient revenue is available to operate and maintain the WWTP and related collection system;
2. Ensure capacity to enable the Town to implement strategies to comply with our NPDES permit, TMDL (total maximum daily load) requirements and to comply with all Connecticut Department of Energy and Environmental Protection, State of Connecticut and federal mandates;
3. Provide sewer service that will reasonably accommodate growth throughout the term of the indebtedness incurred to upgrade and expand the WWTP, and conserve capacity for future growth at sustainable rates beyond that period;
4. Ensure that property owners paying for having paid a benefit charge have committed capacity reserved to accommodate allocation of sewer service;
5. Provide capacity for development where sewerage treatment infrastructure is available and where there exist undeveloped parcels within the sewer service area;
6. Provide a reasonable and equitable procedure for obtaining sewer allocation, consistent with the goals, objectives and policies of the WPCA; and

7. Provide a reasonable and equitable procedure for obtaining sewer allocation in coordination with subdivision, site plan and building permit approvals.

SECTION 4. CALCULATIONS

The design capacity of the WWTP is 3.84 MGD. The estimated wastewater flow used in this allocation policy is based on a ratio of wastewater generation equal to 80% of water consumption. The EDU calculation used to determine the available capacity in each sewer service sub-area is not the same as the FCC calculation.

A. Gravity systems

The estimated wastewater flow for gravity systems is 234 gpd per EDU, calculated as follows, and based on residential water consumption data and historical WWTP flow data:

Daily Water Consumption per EDU:	200 gpd*
(80% of water consumption = wastewater flow)	
80% x 200 gpd = 160 gpd/EDU	
Wastewater flow:	160 gpd/EDU
Plus: Reserve for I&I flows:	74 gpd/EDU**
Total daily wastewater flow:	234 gpd/EDU

B. Low-pressure systems

A low-pressure system is any non-gravity collection system. The estimated wastewater flow for low-pressure systems is 160gpd per EDU, calculated as follows:

Daily Water Consumption per EDU:	200 gpd*
(80% of water consumption = wastewater flow)	
80% x 200 gpd = 160 gpd/EDU	
Total daily wastewater flow:	160 gpd/EDU

For low-pressure sewer systems extraneous flows (I&I) are negligible, consequently there are no I&I flows reserved in this calculation.

* daily water consumption is based on actual water use data supplied to the Town of Simsbury

** I&I reserve is based on engineering design data for sanitary sewers

C. Commercial, industrial, and institutional flows

Commercial, industrial and institutional flows shall be determined on a case-by-case basis, utilizing the Connecticut State Department of Public Health (DPH) flow projections for water and wastewater systems converted to EDUs.

D. Alteration of flow

With the consent of the WPCA, the rate of gpd/EDU for a combination of gravity and low-pressure sewer systems may be adjusted whenever, in the WPCA's judgment, the adjusted rate will better achieve the purposes of this policy. Any adjustment in the rate of gpd/EDU for a combination of gravity and low-pressure sewer systems shall be between the rates established for gravity and low-pressure systems.

E. Formula

The available capacity for each sewer service sub-area shall be calculated using the following formula:

$$\text{Available Capacity} = \text{Total Capacity} - (\text{Utilized Capacity} + \text{Committed Capacity})$$

F. Capacity by sewer service sub-area

Table 1 lists the committed, unallocated and total capacity for each sewer service sub-area as approved in the WPCP:

TABLE 1. CAPACITY BY SEWER SERVICE SUB-AREA				
SEWER SERVICE SUB-AREA	UTILIZED CAPACITY (EXISTING FLOWS) (gal)	COMMITTED CAPACITY (gal)	UNALLOCATED CAPACITY (gal)	TOTAL CAPACITY (gal)
Sub-Area 1	143,600	4,500	78,600	226,900
Sub-Area 2	79,200	2,300	57,900	139,400
Sub-Area 3	74,200	1,000	56,100	131,300
Sub-Area 4	164,200	6,100	169,500	339,800
Sub-Area 5	251,200	20,400	177,700	449,300
Sub-Area 6	118,200	1,600	34,700	154,500
Sub-Area 7	214,700	9,700	101,600	326,000
Sub-Area 8	129,500	8,400	45,800	183,700
Sub-Area 9	107,800	6,100	38,500	152,200
Sub-Area 10	130,300	15,800	310,800	456,900
Granby	112,200	187,800	0	300,000
Avon	401,800	578,200	0	980,000
Total Gallons=	1,926,900	841,900	1,071,200	3,840,000 ¹

Note(s): 1. Represents the Simsbury WWTP capacity

G. Administrative updates

The Superintendent shall have authority to re-calculate the figures shown in Table 1, "Capacity by Sewer Service Sub-Area" from time to time as required by this policy, law

or regulation consistent with the discharge monitoring reports submitted to CT DEEP and the best available flow data, as determined by the Superintendent. The Superintendent shall periodically calculate, update and maintain totals for utilized capacity, committed capacity and unallocated capacity for each sewer service sub-area. The Superintendent shall update I&I reserve periodically in accordance with Section 7 of this Policy.

SECTION 5. ALLOCATION PROCEDURE

A. General

The WPCA shall prescribe the format and information required for all applications. The owner/applicant shall certify under penalties of perjury that the application and all accompanying information, subdivision plans and site plans are complete and accurate. Applications shall be reviewed in the order in which they are received, and approved as they are determined eligible for allocation.

Developed properties within the sewer service area that are not currently connected to the sewer shall receive first priority. When the allocation within any sewer service sub-area reaches seventy (70) percent capacity, the WPCA will review the developed properties in the sub-area to verify potential connections, committed capacity and unallocated capacity.

B. Lots of record and existing uses

The following applications shall receive approval for sewer service provided all wastewater charges and other fees are paid, the application is in compliance with all applicable laws, ordinance, and regulations, and all the required permits and approvals have been obtained:

1. Lots of Record paying or having paid benefit charges for sewer service for the subject property;
2. Unimproved Lots of Record for allocation of two (2) EDUs or less;
3. Expansion of non-residential uses existing on the effective date of this policy resulting in a single flow increase of two (2) EDUs or less; and
4. Existing Lots of Record to connect existing (failing and non-failing) septic systems.

Approvals under Section 5B are not subject to allocation limits established by available capacity calculations. Capacity allocated under the section shall be added into utilized capacity.

C. Allocation overage

To prevent available capacity from being depleted by a single project, no more than fifty percent (50%) of the unallocated capacity for any sewer service sub-area may be allocated to any single project during any calendar year.

Any property that requires more than three times the original allocation will require WPCA approval. The WPCA has the sole discretion to allow for or deny the additional allocation beyond the three times limit. This limitation will provide equity and fairness in the reserve capacity.

All properties requiring allocation in excess of the original allocated amount will be charged a fee per EDU for excess allocation. The price for excess allocation per EDU will be set annually with the WPCA fee schedule. The funds collected will be deposited into the Sewer Use Fund.

D. New uses and lots

The following procedures apply to all applications for new subdivisions, commercial, industrial, institutional or other development:

- (a) **Pre-application meeting:** Applicants shall schedule a pre-application meeting with the Superintendent to discuss the proposed allocation of wastewater capacity.
- (b) **Application:** The applicant shall submit an application to the WPCA, including a concept plan, phasing and utility plans, and the application fee.
- (c) **Eligibility Review:** WPC Staff shall review the application to determine eligibility for allocation. This review shall include completeness and compliance with the WPCP, including map classification criteria, and all applicable State, federal, and local laws, ordinances, and regulations. WPC Staff shall advise the applicant in writing any anticipated limitations, conditions, phasing, fees and other requirements for final approval. Applications found to be ineligible for allocation shall receive no further review by staff.
- (d) **Finding:** A finding of eligibility is preliminary only. Additional, supplemental or different conditions or fees may be imposed. It is not binding on the WPCA, other Town departments or agencies, nor any State or federal department or agency. It is intended only to eliminate review of projects that are not eligible for allocation, and creates no vested or enforceable right to sewer service.
- (e) **Allocation:** Receiving allocation is required before an applicant shall apply for and obtain all other zoning, subdivision, site plan, and other reviews, approvals, and permits required for recordation of a subdivision plan, final site plan approval, or issuance of a building permit. Where sewer service is required, allocation is a condition precedent to recordation of a subdivision plan, obtaining final site plan approval, or issuance of a building permit.
- (f) **New lots:** When the connection is for newly created subdivision lots, a record plan shall be prepared, reviewed and deemed approvable under applicable subdivision regulations.

The WPC Staff shall review the proposal to determine if it meets all applicable WPCP requirements, and if so, the Superintendent shall issue a project specific approval letter to the WPCA, who may then approve the plan with a note to the effect that use of the sewerage system is in conformance with the Town WPCP. The plan shall not be recorded without a note signed by the WPCA certifying that the WWTP and collection system will be available to serve all lots in the subdivision. The note shall include allocation of capacity, expressed in EDUs, for each lot and shall include a maximum EDU for the entire subdivision.

- (g) **New uses:** When the connection is for new commercial, industrial, or other non-residential uses, a site plan shall be prepared, reviewed and deemed approvable under applicable site plan regulations. The WPC Staff shall review the proposal to determine if it meets all applicable WPCP requirements. The site plan shall include the total gpd/EDUs allocated to the uses and shall state the basis and method of calculation of total gpd/EDUs allocated to each. The final site plan shall not be approved without the WPCA's written certification that the WWTP and collection system will be available to serve the proposed uses.
- (h) **Modifications:** Recordation of a revised plan or site plan approval in accordance with this policy and the applicable provisions of any municipal or Town codes, rules or regulations shall be required for changes to previously allocated gpd/EDUs defined on a recorded subdivision plan or approved site plan.

The WPCA shall not sign any plan or site plan to certify that the WWTP and collection system will be available to serve proposed lots or uses until:

- i. The applicant has paid all wastewater capital charges and other fees;
- ii. The applicant has entered into a Developer's Agreement ("DA") with the WPCA to design, engineer, construct and fund all infrastructure required for the connection, and to convey to the Town all easements or other interests required by the Town; and
- iii. The DA shall include such additional or supplemental terms, conditions, limitations and contingencies required by the WPCA.

E. Additional sewer service sub-area capacity

Additional capacity might be available within a sewer service sub-area once the sub-area has reached 70 percent capacity, pending I/I removal, in which one gallon of I/I removed results in one half (1/2) gallon of allocation. The WPCA will provide additional information regarding guidance for the flow allocations associated with I/I removal.

SECTION 6. PHASING

A. Purpose

Finite capacity within each sewer service sub-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 for infrastructure for a period not to exceed five (5) years.

Property owners / developers may reserve capacity for a period of five (5) years by paying a non-refundable fee equal to half of the FCC. At the end of the five-year period the property owner / developer may request an extension from the WPCA. If the WPCA were to grant an extension, a new FCC would be calculated and applied.

Reservation and allocation of treatment capacity without payment of associate capital and operating charges, and denial of that capacity to other qualified applicants ready to pay those charges, undermines the Town'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:

1. The area is or is anticipated to become eligible for sewer service under applicable WPCP 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 WPCP to re-map the area to make it eligible for sewer service.
2. Phased allocation of capacity is conditioned upon the required map amendments being adopted by the WPCA and the State of Connecticut. The WPCA's agreement for a phased allocation is wholly independent of the WPCP map amendment process, and of itself does not guarantee or represent that any required or proposed map amendments will be adopted.
3. 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.
4. Committed capacity for future phases shall not be awarded at a rate greater than 50% of the total available capacity for the sewer service sub-area in any given year. The

WPCA may reduce that maximum rate based upon existing or anticipated competing demands for service in the sewer service sub-area.

5. The sewer service sub-area will have future available capacity for each ensuing phase of the project under the formula in Section 4E.
6. The applicant enters into a DA setting forth phasing requirements and timetables, payment terms, and such additional or supplemental terms, conditions, limitations, and contingencies required by the WPCA. These terms shall be in addition to those required by Section 5D.
7. 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.
8. The WPCA reserves the right to limit the reservation and allocation of EDUs 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 WPCP and this policy at the time of the allocation; and
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.

SECTION 7. RECAPTURED INFLOW & INFILTRATION

A. General

The Town is improving the WWTP and wastewater collection system to reduce I&I. Additional capacity that becomes available for allocation in accordance with this section shall be used exclusively to implement strategies to comply with impending TMDL limits that will enhance the water quality of the Farmington River and its tributaries. The amount of recaptured I&I available for allocation shall be determined in accordance with this section.

B. Procedure

Changes in I&I shall be determined based on actual, verified and stabilized changes in I&I flows as monitored and measured using technological practices determined by the WPCA. The WPCA shall use the following criteria to determine the amount of I&I, recaptured I&I and I&I reserve:

1. The Superintendent shall make advisory findings and recommendation to the WPCA concerning the amount of change in I&I, if any, the amount of recaptured I&I, if any, and the amount of change in I&I reserve, if any, as part of the annual recalculation of I&I reserve.
2. The WPCA shall consider the Superintendent's findings and recommendation as part of a periodic determination of the amount of change in I&I, if any, the amount of recaptured I&I, if any, and the amount of change in I&I reserve, if any.
3. The WPCA shall also consider: Annual Daily Average Wastewater Flows (ADAWF) recorded for the entire WWTP for a minimum of 5 years; and collection system improvements, flow trends, number and severity of storm events, annual and monthly average precipitation, and other relevant data as determined by the Superintendent.

C. Administrative authority

The WPCA shall have administrative authority, consistent with the requirements of this policy, to re-calculate and adjust the amount of I&I reserve provided that, at a minimum:

1. There shall be sufficient sewer capacity at all times to prevent backup or discharge of untreated effluent, violation of any permit, or any increased risk of harm to public health, safety or welfare; and
2. The amount of I&I reserve may not be reduced by more than ½ (one-half) of the total amount of recaptured I&I as determined by the WPCA under Section 7.

SECTION 8. WASTEWATER CAPACITY BY SEWER SERVICE SUB-AREA

The 2019 capacity for each of the sewer service sub-areas is calculated using the formula in Section 4E.

The capacity for each subsection shall be maintained as a separate worksheet and updated on a regular basis by the Superintendent.

SECTION 9. ADMINISTRATIVE

A. Effective date

This policy becomes effective upon adoption and applies to all capacity allocated and all connections approved. Pending applications that have not received approval to connect as of the effective date shall be processed under the new policy.

B. Severability clause

The provisions of this policy are severable. If any provision of this policy or the application thereof to any person or circumstance is held invalid for any reason by a court of competent jurisdiction, the invalidity does not affect any other provision or application of this policy, which can be given effect without the invalid provision or application.