

RESOLUTION NO. 2019- 02

SUSQUEHANNA TOWNSHIP AUTHORITY

**RESOLUTION AMENDING THOSE CERTAIN TERMS AND CONDITIONS FOR THE
ISSUANCE OF SEWER CONNECTION PERMITS FOR CERTAIN PORTIONS OF THE
ASYLUM RUN BASIN AND THE ENTIRE PAXTON CREEK BASIN IN RESPONSE TO
REVISED CONNECTION ALLOCATIONS AND LIMITATIONS IMPOSED BY THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION, COMMONWEALTH OF
PENNSYLVANIA**

WHEREAS, Susquehanna Township Authority (hereinafter, "Authority") has in existence certain Rules, Rates and Regulations for the operation and maintenance of the sewer system of Susquehanna Township by Authority, which Rules, Rates and Regulations duly adopted by the Authority and amended from time to time to specifically provide for a procedure for the issuance of tapping/connection permits (hereinafter, "Permits") for connection with Susquehanna Township Authority's sewer transmission system and the time period in which Permits can be used; and

WHEREAS, the Department of Environmental Protection, Commonwealth of Pennsylvania (hereinafter, "DEP"), has advised Authority that it has believes there may exist hydraulic overloading conditions in certain existing portions of Authority's sewer collection system in Susquehanna Township, to specifically include the area known as the Asylum Run Basin and Paxton Creek Basin during periods of wet weather events and has, pursuant to the legal authority contained in 25 Pa. Code, Chapter 94, "Municipal Wasteload Management", required the Authority to submit certain plans and schedules to reduce said overload; and

WHEREAS, Susquehanna Township Authority in 2013 was advised of limitations or a limited moratorium by DEP with regard to the issuance of sewer connection permits to certain portions of the Asylum Run Basin and the entire Paxton Creek Basin in Susquehanna Township and, in response thereto, pending adoption of and entering into a corrective action plan with DEP, the Authority did amend any and all previous Rules, Rates and Regulations relative to the issuance of sewer permits at the time in the areas so affected by the then limited moratorium which limited and permitted issuance of no more than twenty (20) sewer connections per month for the three month period commencing March 1, 2013 for connections in the Paxton Creek Basin and no connections permitted in the Asylum Run Basin; and

WHEREAS, DEP then revised the limitations or limited moratorium with regard to the Paxton Creek Basin and a portion of the Asylum Run Basin reducing the sewer connections in the Paxton Creek Basin to fourteen (14) connections per month and up to six (6) connections per year in the Asylum Run Basin; and

WHEREAS, annually pursuant to its corrective action plan and agreement with DEP, the Authority submits a request for sewer connections for the following year, which request may include the awarding of connections to be allocated by the Authority, as identified and anticipated for various commercial, residential, or mixed commercial and residential development; and

WHEREAS, DEP as of January 9, 2017, for the 2017 calendar year, approved a total annual allotment of 192 connections in the entire Paxton Creek Basin and nine (9) connections in the Asylum

Run Basin for which the Authority was responsible for allocating in accordance with the connection restriction plan, and, the Authority had been advised by DEP that connections in excess of the annual allotment shall not be awarded further for any specific commercial development outside of and not utilizing said annual allotment to the Authority; and

WHEREAS, DEP as of December 6, 2017, for the 2018 calendar year, approved a total annual allotment of 189 connections in the entire Paxton Creek Basin and nine (9) connections in the Asylum Run Basin for which the Authority was responsible for allocating in accordance with the connection restriction plan, and, the Authority had been advised by DEP that connections in excess of the annual allotment shall not be awarded further for any specific commercial development outside of and not utilizing said annual allotment to the Authority; and

WHEREAS, DEP as of December 17, 2018, for the 2019 calendar year, approved a total annual allotment of four hundred forty-four (444) connections in the entire Paxton Creek Basin which does not include connections approved previously for the Blue Mountain Apartments and confirmed six (6) carry over connections for Asylum Run Basin, all of which the Authority is responsible for allocating in accordance with the connection restriction plan, and, the Authority has been advised by DEP that connections in excess of any annual allotment or in anticipation of any upcoming year shall not be awarded; and

WHEREAS, the Authority affirms the terms and conditions with regard to the issuance of sewer connection permits in such areas pending further action and agreement with DEP and the Authority as set forth in Resolution Nos. 2013-01, 2013-04, and 2017-01, however, subject to the revised limitations as hereinafter set forth.

NOW THEREFORE, the Authority accordingly adopts the following terms and conditions with regard to the DEP annual allotment of sewer connections and to provide for the issuance of such connections and permits by the Authority that may be requested for residential, commercial, or mixed residential and commercial development:

A. Paxton Creek Basin and Asylum Run Basin

1. The Authority Board shall allocate and make available the total allotment of DEP connections awarded annually by DEP for the current calendar year for residential, commercial and mixed residential and commercial development, whether on single or multiple connection basis, to be issued as provided herein and the Authority may deem appropriate. The Authority Board may reallocate the allotment of available DEP connections at any time.
2. The Authority shall allocate and issue permits on a first come, first serve basis, in the sequence of receipt of a fully completed application and established fees accompanied by written evidence of receipt of all required Authority and DEP sewer planning module approvals until the annual allotment of DEP connections for the then current calendar year have been issued.
3. An applicant may apply for and receive at any one time multiple DEP connection permits (hereinafter "bulk connections") that may be required for an approved planning module. Issuance of bulk connections and permits by the Authority required for an approved planning module shall be on a first come, first serve basis, and, in the sequence of receipt of a fully completed application and established fees accompanied by written evidence of receipt of a DEP and Authority approved planning module until all available DEP connections and Authority permits for that calendar year period have been issued.


4. If during any calendar year period there are more applicants and approved planning modules for bulk connections than DEP connections and Authority permits which are available, or upon expiration of the DEP allotment of connections for a calendar year, those applicants not receiving bulk connection permits in a calendar year period shall be placed on a list for the next calendar year to be included with the annual request by the Authority to DEP for an allotment of connections. Such applicants shall receive the permits, if and to the extent sufficient connections are approved and awarded by DEP to the Authority, as requested prior to any applicants receiving permits hereunder in that next calendar year.
 5. All DEP annual allotment connections and Authority permits that are not issued in a calendar year shall lapse December 31 and no longer be available.
 6. It shall be a condition of any permits pursuant to this Resolution, that an applicant obtain all said permits allocated for a residential or commercial development as required for an approved planning module on or before the December 31 expiration of the connections that have been awarded and allocated to the Authority by DEP for that calendar year.
 7. Approval of a planning module by the Authority or DEP shall not be deemed to be any reservation of or entitlement to issuance of a DEP connection and permit by the Authority pursuant to this Resolution.
 8. The Authority Board may at any time increase or reduce the maximum number of DEP connection permits to be issued to an applicant in any one calendar year.
 9. An applicant must commence construction with respect to a residential and commercial permit within one hundred twenty (120) days of issuance of such permit. Commencement of construction shall be of a material nature and not nominal or of insignificant notice which diligently and continuously thereafter proceeds.
 10. If an applicant does not commence construction within the time periods as provided in this Resolution, the issued permit shall lapse, become void and be deemed returned to the Authority for issuance to another applicant, other than the permittee, unless no other applications for permits have been filed with the Authority in which case the lapsed permit may then be reissued to the permittee. For purposes of this condition, a permit shall be considered "issued" on the earlier date on which date the permittee receives the permit from the Authority or three (3) business days following the date of mailing on which the Authority notifies the permittee by certified mail that the permit is ready for delivery to the applicant. A failure for any reason to strictly adhere to this condition of permit issuance will result, at the Authority's sole discretion, in a forfeiture of up to one-half of the permit fee. The applicant shall furthermore, as a condition of issuance of the permit, notify and confirm to the Authority on or before the expiration date of the one hundred twenty (120) day period of applicant's compliance with this Resolution regarding commencement of construction.
- B. In the event Authority would be required to expend any administrative, engineering and/or legal expenses and costs in obtaining compliance by an applicant or property owner with this Resolution, the applicant and owner shall be obligated to timely reimburse Authority for all such reasonable expenses incurred.
- C. At such time that the limited nature of permits available by reason of DEP's supervision is modified in a material manner at any time in the future, the Authority staff shall promptly

notify the Board, who shall then timely consider further procedures to implement such modifications by DEP to address any and all future needs of property owners who may wish to further develop their property and, therefore, contribute to the sanitary wastewater flow into the Paxton Creek Basin and Asylum Run Basin.

- D. In the event any provisions, sections, sentence, clause or other part of this Resolution shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or other parts of this Resolution, it being the intent of the Authority that the remainder of the Resolution shall be and shall remain in full force and effect.
- E. The introductory paragraphs shall become a part of this Resolution where not inconsistent herewith.
- F. All past Resolutions or parts thereof inconsistent with this Resolution are repealed.
- G. This amendment to the Authority's Rules, Rates and Regulations shall be effective immediately.
- H. The Authority staff shall take such reasonable and necessary actions to communicate the contents of this Resolution to any known applicants and take all reasonable and necessary actions to implement said Resolution.


RESOLVED AND ENACTED by the Susquehanna Township Authority this 5th day of Feb, 2019.

ATTEST:



Yves E. Pollart, P.E.
Secretary

SUSQUEHANNA TOWNSHIP AUTHORITY



Sean Sanderson
Vice Chairman