

Northwestern Chester County Municipal Authority

RESOLUTION NO. 2026- 1

A RESOLUTION OF THE NORTHWESTERN CHESTER COUNTY MUNICIPAL AUTHORITY AMENDING THE POLICY FOR THE ALLOCATION OF REMAINING SANITARY SEWER CAPACITY IN THE CUPOLA PUMP STATION SERVICE AREA.

WHEREAS, by Resolution No. 2024-3, the Northwestern Chester County Municipal Authority (the "Authority") amended the Authority Rules and Regulations to add a new Article X, titled "Reservation of Capacity" establishing a policy and process for the reservation of capacity in the Sewer System by Persons and Owners desiring to connect to and utilize the Sewer System; and

WHEREAS, Herbert, Rowland & Grubic, Inc. ("HRG"), the Authority Engineer, completed a Flow Monitoring Study dated August 2024 and hydraulic capacity evaluation of the Cupola Pump Station area sanitary sewer system to estimate the available flow capacity in the collection system; and

WHEREAS, based on existing connections, approved Planning Modules, and previously allocated and reserved capacity for EDUs to be connected in the future and utilizing the gravity collection system conveying sewage into the Cupola Pump Station (the "Cupola Collection System"), HRG estimated that there were 325 EDUs of remaining capacity in the Cupola Collection System (the "Remaining Capacity"); and

WHEREAS, on October 23, 2024, the Authority adopted Resolution No. 2024-16 to establish a policy for the allocation and use of the Remaining Capacity; and

WHEREAS, the Authority desires to repeal Resolution No. 2024-16 and adopt this Resolution to allow property owners and applicants to reserve up to 245 EDU's or 49,000 gallons per day of the Remaining Capacity and to establish the policy set forth herein for the allocation and use of the last 80 EDU's (16,000 gallons per day) of the Remaining Capacity;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Authority as follows:

SECTION 1. Subject to all applicable rules and regulations of the Authority, including Resolution No. 2024-3, Persons and Owners who desire to connect to the Cupola Collection System, may submit the necessary application and seek to reserve up to 245 EDU's (49,000 gallons per day) of the Remaining Capacity. Once the Remaining Capacity has been reduced to 80 EDU's (16,000 gallons per day), capacity shall be allocated only to Persons and Owners as follows:

- a. Persons and Owners utilizing an existing on-lot septic system that is malfunctioning or has failed as confirmed by the Borough or Township Sewage Enforcement Officer ("SEO").
- b. Persons and Owners who utilize an existing on-lot septic system that is in a condition such that it cannot be certified by the SEO or another licensed sewage inspector in connection with the potential sale of the property.
- c. Persons and Owners who own property that is not connected to the Sewer System who desire to connect one (1) new single-family detached dwelling.
- d. Persons and Owners who own property that is not connected to the Sewer System who desire to connect an existing or new residential or non-residential property using no more than one (1) EDU.
- e. Persons and Owners who own property which is improved with buildings or structures which are connected to the Sewer System who desire additional sewer capacity not to exceed one (1) EDU in order to service improvements or a change of use within the existing buildings or structures and which do not involve the construction of additional buildings or structures or the expansion of the footprint or number of floors of existing buildings or structures (e.g., conversion of a single-family dwelling to a two-family dwelling which requires one (1) additional EDU).
- f. Persons and Owners who own property which is improved with buildings or structures which are connected to the Sewer System who desire additional sewer capacity not to exceed one (1) EDU in order to construct an addition to the existing building or structure or expand the footprint or floor area of an existing building or structure (e.g., adding an accessory dwelling unit or additional bedrooms).

SECTION 2. Capitalized terms used in this Resolution shall have the meanings as set forth in Article I of the Rules and Regulations.

SECTION 3. Resolution No. 2024-16 shall be repealed and replaced with this Resolution. This Resolution shall supersede the provisions of Article X, Reservation of Capacity, of the Rules and Regulations to the extent Article X permits the Reservation of Capacity in any amount.

SECTION 4. Severability. The provisions of this Resolution shall be severable and if any provision or provisions shall be held to be unconstitutional, invalid, or void, such unconstitutional, invalid, or void provisions shall not affect the validity of any of the remaining provisions of this Resolution. It is hereby declared that this Resolution would have been adopted if such unconstitutional, invalid, or void provision or provisions had not been included herein.

SECTION 5. Effective Date. This Resolution shall be effective immediately and remain in effect until amended or repealed by subsequent Resolution.

ADOPTED by the Board of the Authority on the 25th day of March 2026.

ATTEST:

NORTHWESTERN CHESTER COUNTY
MUNICIPAL AUTHORITY



Michael Kern, Secretary



David Eames, Chairman