

CFPUA Capacity Management Program

Cape Fear Public Utility Authority Capacity Management Program

The Cape Fear Public Utility Authority, in cooperation with the Localities, shall manage the capacity of the distribution and collection system to ensure adequate potable water and wastewater capacity. The Authority shall be responsible for tracking the available, permitted and allocated capacity for the CFPUA potable water distribution and wastewater collection system.

The Authority's Capacity Management Program has been designed as a planning and engineering tool used to monitor the relationship between plant capacity and population/economic growth and also to (a) readily assess the distribution of capacity within all system components, (b) allocate and track allocated capacity, (c) provide short and long-range planning assistance for specific development proposals, land use ordinances and land use plans, and (d) authorize and rescind service allocations.

Assessment of Distribution & Capacity System Components

The Authority shall be responsible for assessing the distribution & collection system and its components. The Authority at a minimum will address the following items: Water production, wastewater treatment capacity, water and wastewater pump station capacity, and distribution and collection system capacity.

Tracking Allocated Capacity

The City of Wilmington's Waste Water Treatment Plants (WWTP) & Water Treatment Plant (WTP) have historically tracked water/wastewater flows. The Authority shall use the best possible available historical data from the Water Treatment Plant & Wastewater Treatment Plants to monitor and track existing water/wastewater demand.

The capacity allocation system shall track all new connections and flow projections. In addition, modifications to the existing water and wastewater connections due to redevelopment shall be tracked. Each developer shall be required to provide calculations to the Authority based on NCAC-2T flow projections as the basis of allocating flow.

It shall be the policy of the Authority to allocate water capacity when (1) system capacity is adequate; (2) the submitted plans meet Engineering Department Specifications and Standards; and (3) the application for extension of the water system (Public Water Supply Permit Application) is signed by the Director of Engineering (or his designee) and a Water Flow Acceptance Letter is issued by the Engineering Department.

It shall be the policy of the Authority to allocate sewer capacity when (1) system capacity is adequate; (2) the submitted plans meet Engineering Department Specifications and Standards, and (3) the application for extension of the sewer system (Fast Track Application [FTA] and the Flow Tracking/Acceptance for Extension Permit Application [FTSE-10/07]) is signed by the Director of Engineering (or his designee) and a Sewer Flow Acceptance Letter is issued by the Engineering Department.

The Authority may, for a proposed Utility Infrastructure Reimbursement Agreement, reserve the requested sewer capacity for a period of time not to exceed twenty-four (24) months from the date of execution of the Utility Infrastructure Reimbursement Agreement, in accordance with the Board-approved Policies for such Agreements. If the requested sewer allocation request is not fully permitted and legally reserved by the issuance of a DENR/DWQ sewer extension permit by the end of the twenty-four (24)

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month time period, the Authority may release the flow reservation at the end of the twenty-four (24) month period. *[Flow reservation language added October 13, 2010.]*

Existing customers or new developments not requiring a utility extension permit will be allocated capacity after the water and/or sewer service is installed and prior to the set of the water meter or start of sewer service.

Any capacity allocation request for over 10,000 gpd and/or defined as a Significant Industrial User, (SIU), will require a downstream certification FTSE 10/07 to be completed and will be tracked by the Authority.

The authority shall meet any and all State and Federal regulations for tracking and reporting of allocated water and sewer capacities and the required mandatory reports to such State and Federal agencies.

Planning Assistance for Proposed Development, Land Use Ordinances & Land Use Plans

The 2001 New Hanover and City of Wilmington Wastewater Master Plan and the New Hanover County and City of Wilmington 2007 Wastewater Master Plan Update will be used as the standard for distribution and collection system long range planning. The Authority, in association with the City and County, will use the land use ordinances and adopted land use plans and policies, including but not limited to the Wilmington-New Hanover County CAMA Land Use Plan Update, Comprehensive Plan 1997-2010, the Wilmington Future Land Use Plan (FLUP) 2004-2025, Wilmington Vision 2020 Plan for Downtown Wilmington, and any other such ordinances as amended from time to time. These comprehensive documents along with existing and anticipated development patterns and water and wastewater master plans shall be used as planning documents to determine future distribution and conveyance needs and prepare annual updates to the Capital Improvement Program (CIP) to accommodate these demands.

Allocation and Rescinding Service

The Authority shall manage the capacity of the distribution and collection systems to ensure an adequate potable water supply and sewer capacity. The Authority shall be responsible for tracking the available, permitted and allocated capacity for the Authority's potable water distribution and sewer collection system.

It shall be the policy of the Authority to allocate sewer service capacity for a development at the time the application for an extension of water or sewer system permit ("Extension Permit") is submitted to the North Carolina Department of Environment and Natural Resources - Division of Water Quality.

Payment of SDCs for water and sewer service shall be made at the time of building permit issuance for each property or lot by the City or County, as applicable. Failure to pay SDCs and other fees prior to issuance of a building permit shall result in the rescission of the allocated service capacity.

Allocated flows will not be considered tributary to the system until a certificate of occupancy (CO) for that development has been issued. When the CO is issued or a water meter is installed for a specific building within or outside the development, the flow will be assumed to be tributary to the water and sewer system.

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Existing customers or new developments not requiring an Extension Permit will be allocated capacity after the water and/or sewer service is installed and prior to the set of the water meter or start of sewer service. Any capacity allocation request for over 10,000 gpd or defined as a Significant Industrial User (SIU) will require a downstream certification FTSE 10/07 to be completed and will be tracked by the Authority regardless of whether a sewer main extension is required.

The Authority shall comply with any and all federal and state regulations for reporting and tracking of allocated service capacities and distribution and conveyance required.

Sewer allocations for infrastructure installed by public agencies for the public good will not be subject to the service rescinding section of this Capacity Management Program. [*Public agency allocation language added October 13, 2010.*]

The Authority may rescind any service allocation under the following conditions:

- a) The proposed development has not made continual and significant progress within a 3-year period from date of approved FTSE 10/07 Flow Tracking Acceptance for Sewer Permit from the North Carolina Department of Environment and Natural Resources - Division of Water Quality. "Continual and significant progress" is defined as the substantial completion of site development work over at least fifty percent (50%) of the permitted tract, coupled with the installation of any streets, utilities, or other infrastructure, within the prescribed period. Such determination shall be made by the Chief Executive Officer after consultation with the Director of Engineering and providing at least thirty (30) days written notice to the developer and or permit holder.
- b) The proposed development has not obtained building permits and paid the required SDC's and other fees for the property or lot within a 5-year period from date of approved FTSE 10/07 Flow Tracking/Acceptance for Extension Permit from the North Carolina Department of Environment and Natural Resources - Division of Water Quality, notwithstanding whether or not continual and significant progress has been made in the meantime.
- c) The developer and/or permit holder requests in writing that the service allocation be rescinded; or
- d) A mutual agreement is reached between the Authority and the developer and/or permit holder.

Appeals

- a) The Chief Executive Officer shall be the final decision-maker for the Authority concerning water and sewer allocations, reservations, rescissions, agreements or other matters regulated under Appendix C of the Utility Ordinance over which the Chief Executive Officer has approval authority. Any affected person may request a meeting with the Chief Executive Office to discuss the matter and may submit written materials as they deem appropriate. For matters which require Board approval, any affected person may present comments to the Board at the time the matter is scheduled on the Board's agenda.
- b) Any appeal of the Chief Executive Officer's or Board's decision, as applicable, shall be made to New Hanover County Superior Court within sixty (60) days of the date the affected person receives notice of the Chief Executive Officer's or Board's decision. If an affected person

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appears personally before the Chief Executive Officer or the Board and is present when the decision is made, no written notice of the decision is required.

[Capacity Management Program revised October 8, 2008, October 14, 2009, and October 13, 2010]