

**TOWNSHIP OF WARREN
RESOLUTION NO. 2023-071**

RESOLUTION AMENDING RULE 4.3 OF THE RULES AND REGULATIONS OF THE WARREN TOWNSHIP SEWER DEPARTMENT RELATED TO THE SEWER DEPARTMENT'S FORMULA FOR CALCULATING AVAILABLE CAPACITY.

WHEREAS, Rules 4.2 and 4.3 of the Rules and Regulations of the Warren Township Sewer Department (the "Department") establishes the formula for determining whether capacity is available for new sewer connections; and

WHEREAS, by Resolution No.20-190, on January 20, 2021, the former Warren Township Sewerage Authority (the "Authority") modified the capacity formula for the Stage IV sewer service area to utilize the third highest 6-month average flow since July 2020, representing the date of substantial completion of Contract 61; and

WHEREAS, Rule 4.3 provides that "[i]n the event of a future expansion or undertaking that will increase capacity or decrease flow, the Department shall adjust this third highest six month average flow, giving due consideration to the recommendation of its Engineer"; and

WHEREAS, PS&S Consulting Engineers (the "Department Engineer") has prepared a report dated February 1, 2023 (the "Report") regarding the effectiveness of the rehabilitation and maintenance work achieved as a result of the completion of Contract No. 61, Stage IV Sewer Service Area Rehabilitation Project, which work was substantially completed in October, 2021. A copy of the Report is attached hereto and made a part hereof; and

WHEREAS, in the Report, the Department Engineer notes several improvements made to the Stage IV Sewer Service Area; and

WHEREAS, in light of these improvements, and for the reasons set forth in the Report, the Department Engineer recommends that the Department consider making certain changes to the Department's formula for determining available capacity; and

WHEREAS, as noted in the Report, the Department Engineer has evaluated the effectiveness of the rehabilitation and maintenance work performed under Contract 61 by monitoring the Stage IV wastewater treatment plant flows, and compared those flows against rainfall events and historical flows to determine the overall reduction in infiltration and inflow ("I&I") achieved at the plant during dry weather conditions as well as wet weather events; and

WHEREAS, based on review of this flow data and in recognition of the improvements to the Stage IV system, the Department Engineer recommends amending the Department's capacity formula set forth at Rule 4.3 of the Department's Rules and Regulations for the Stage IV sewer service area to utilize the NJDEP recommended twelve (12) consecutive month average calculation.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Warren, in the County of Somerset, and State of New Jersey, hereby approves the amendment to the Department's capacity formula set forth at Rule 4.3 of the Department's Rules and Regulations as follows:

{A1541580.1 }

4.3. CALCULATING AVAILABLE CAPACITY. In determining whether capacity is available for new sewer connections, the Department has concluded that it is prudent to allow a sufficient margin of safety given that, among other things, the sewerage flow in the system and to the treatment plants may be subject to potentially wide fluctuations depending upon weather conditions and the level of inflow and infiltration experienced. Recognizing the ongoing efforts to improve the overall health of the Department's sanitary sewer system, including infiltration and inflow reduction efforts, while maintaining a sufficient margin of safety to avoid exceeding the permitted flow and hydraulic capacity and to allow for proper sewerage treatment in conformance with all permitting and other requirements, the Department and the Department Engineer shall calculate the current flow received by a treatment plant for purposes of determining if capacity is available at that plant for additional sewer connections by utilizing:

- a. the third highest six (6) month average since 2004 for the Stage V sewer service area;
- b. the twelve (12) consecutive month average for the Stage I and II sewer service area;
- c. the twelve (12) consecutive month average for the Stage IV sewer service area.

In determining whether capacity is available for new sewer connections for any sewer service area, the following criteria must be considered by the Director of the Department, in consultation with the Department Engineer:

- a. The 95% of the permitted flow for each WWTP; and
- b. Anticipated connections approved by the Department and/ or NJDEP but not yet constructed (which factors in the flow per connection and anticipated flows approved by the Department); and
- c. A vacancy factor for safety; and

{A1541580.1 }

- d. Unused capacity that has been reserved under reserve capacity agreements and not yet connected; and
- e. The current wait list of unconnected properties in such sewer service area.

The resultant flow, after the subtraction of the above five (5) criteria from the design capacity of the subject sewer service area, shall determine the capacity available for new connections to that sewer service area.

In the event of a future expansion or undertaking of any sewer service area which will increase capacity and/or decrease flow, the Director of the Department, in consultation with the Department Engineer, shall perform an analysis to adjust the applicable formula and may recommend changes to the formula for approval by the Township Committee.

Nothing contained in this Section shall preclude the Department from permitting connections to be made to the system when an emergency exists, there is a compelling public need, or the Department determines such connection to be in the public interest.

In addition to the foregoing, the Department reserves the right to reject any application if such a connection would interfere in any way with proper operation of the sewer system and treatment facilities.

BE IT FURTHER RESOLVED, the Director, the Department Engineer and all Department employees and are authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		CROSON	X			
	X	LONTAI	X			
X		SORDILLO	X			
		LAZO				X
		DINARDO	X			

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on February 16, 2023.

Cathy Reese, RMC
Township Clerk

{A1541580.1 }