

REQUEST FOR BOARD ACTION

CANE CREEK WATER AND SEWER DISTRICT BOARD

MEETING DATE: September 8, 2009

SUBJECT: Henderson County Partners for Economic Development
Request to Delay Capacity Depletion Fees

ATTACHMENTS: Yes

1. HCPED Request Letter
2. Proposed Response Letter from Engineering
3. Applicable Section of Ordinance

SUMMARY OF REQUEST:

In reference to the attached letter from Henderson County Partners for Economic Development (HCPED) to modify the Capacity Depletion Fee process, staff recommends the following modification. Upon receipt of an application for capacity from HCPED, the District will approve the application without collecting the applicable Capacity Depletion fees. This will provide the recruitment tool of available sewer capacity for an industrial site. Then after the successful recruitment of an industry, the industry will make the application on behalf of their organization with the specific fees per our current fee schedule and ordinance. The proposed letter from Engineering responding to HCPED is attached in addition to the applicable section of the District's ordinance. The CCWSD Advisory Board voted unanimously to approve this recommendation during its August 11, 2009 meeting.

BOARD ACTION REQUESTED:

The Board is requested to approve the modification to the Fee process for Henderson County Economic Development to delay the payment of the Capacity Depletion Fee until a specific customers is identified.

Suggested Motion:

I move that the Board approve the modification to the Fee process for Henderson County Economic Development to delay the payment of the Capacity Depletion Fee until a specific customers is identified.



PARTNERSHIP FOR ECONOMIC DEVELOPMENT
WESTERN NORTH CAROLINA

March 23, 2009

Mr. Marcus Jones, PE
Henderson County
100 North King Street
Hendersonville, NC 28792

RE: Wastewater Allocation Request

Dear Marcus:

As you know the Henderson County Partnership for Economic Development is actively engaged in attracting new industrial business to Henderson County. One of the key recruiting tools that we must have is a solid inventory of sites which are available for development. In order to have the sites "ready" for development we offer preliminary site planning services to the client. In addition we must be able to assure the client that all utility services are available. Included in this list of utilities is the wastewater treatment capacity available at a particular location.

It is our understanding that the current policy of the Cane Creek Water & Sewer District is to charge an "upfront" fee of \$ 1.00 per gallon for a wastewater allocation commitment letter to an applicant for an industrial discharge. Since most industrial discharges are in the range of 25,000 to 50,000 gpd or more you can see that this "upfront" fee (\$25-50,000) becomes unreasonable for the HCPED to advance in order to have the commitment letter available to the client. A similar application for wastewater allocation (for any customer) from MSD-Buncombe County is a flat fee of \$170.00.

We respectfully request that the District reconsider this policy and adopt a flat fee (regardless of the quantity) for the wastewater allocation letter. If you have any questions or would like to discuss this matter in more detail please feel free to call our office. Thank you.

Sincerely,

Andrew T. Tate
President & CEO



HENDERSON COUNTY ENGINEERING

September 8, 2009

Mr. Andrew T. Tate, President and CEO
Henderson County Partnership for Economic Development
114 East Caswell Street
Hendersonville, NC 28792

RE: Wastewater Allocation Request
Delayed Payment for Capacity Depletion Fees

Dear Mr. Tate:

In reference to your letter dated, March 23, 2009, a request to delay the payment of capacity depletion fees for Henderson County Partnership for Economic Development (HCPED) was presented to the Cane Creek Water and Sewer District (CCWSD) Advisory Board on August 11, 2009 and they unanimously approved the recommendation to the CCWSD Board. In turn, the same request, along with the Advisory Board recommendation was approved by the CCWSD Board on September 8, 2009.

Therefore, for applications submitted by HCPED for future wastewater allocation requests, CCWSD will secure the allocation from the treatment authority. The allocation will expire one year from date of approval. If construction has not started on the project before expiration of the allocation, another allocation must be requested. When an industry commits to a site, a new application along with the appropriate capacity depletion fees must be submitted by the specific industry.

Thank you for the opportunity to assist in the economic development efforts for Henderson County. If you have any questions or need additional information, please let us know.

Sincerely,

Marcus A Jones, PE

cc: Steve Wyatt
Doyle Freeman

*100 North King Street, Hendersonville, North Carolina 28792
Phone: (828) 694-6560 | Fax: (828) 697-4535
majones@hendersoncountync.org*

provided that the water supply of such property is metered and the owner pays for such water at metered rates.

- B. The sewer user charges based upon the consumption of government-owned water system City water to be paid by the owner of such property shall be computed at the rates established for sewer service and using a quantity of water equal to the total quantity of water furnished such property by the government-owned water system, less a quantity not discharged into the County's sewer; provided, however, that where, in the opinion of the County, it is not practical to install a measuring device to determine continuously the quantity of water not discharged into the County's sewers, the County shall determine periodically, in such a way and by such method as it may prescribe, the quantity of water discharged into the County's sewers, and the quantity of metered water used to determine the sewer user charges shall be the portion so determined of the quantity measured by water meter or meters.

§ 152A-36. Fee schedule.

All charges, fees and other penalties shall be as determined by the County and set forth in a fee schedule.

§ 152A-37. Capacity depletion fees.

- A. A one-time charge which shall be payable to Henderson County by users of all of the County sewerage systems, the capacity depletion fee is intended to compensate the County for capacity utilized within the County sewerage system. The amount of the capacity depletion fee, the manner in which it is calculated and other particulars in regard to said capacity depletion fee shall be set and established from time to time by the Henderson County Board of Commissioners sitting as the Board of Commissioners or as Directors of Henderson County's water and sewer districts in a fee schedule. The moneys generated by the capacity depletion fee will be used in regard to Henderson County's sewer systems for capital projects, emergency repairs and operations and maintenance at the discretion of the Henderson County Board of Commissioners sitting as the Board of Commissioners or as Directors of Henderson County's water and sewer districts.
- B. In addition to capacity depletion fees imposed by Henderson County, users of the County's sewerage system may be subject to fees imposed by other government entities which have contracted to transport/treat wastewater from the County's sewerage collection system.

§ 152A-38. Monthly sewer service fee.

The monthly sewer service fee is a monthly charge which shall be payable to Henderson County by all users other than municipal users service providers, developer service providers, property owners' association service providers and public utilities. The amount of this service fee, the manner in which it is calculated and other particulars in regard to said monthly sewer service fee shall be set and established from time to time by the Henderson County Board of Commissioners sitting as the Board of Commissioners or as Directors/trustees of Henderson

SEWER SERVICE REQUEST

Please Print or Type

Cane Creek Water and Sewer District
Henderson County, North Carolina
Henderson County Utilities Department – 100 N. King St. Suite 210; Hendersonville, NC 28792
Phone: 828-694-6608; Fax 828-694-6610

FOR UTILITIES DEPARTMENT USE ONLY:

Application # _____	Permit # _____	Completion # _____
DATE: _____	DATE: _____	DATE: _____

CAPACITY DEPLETION FEE

Single Family Residential: **\$150.00 each**
Multiple Family Residential:(apartments, condos, etc) **\$150.00 per each family unit**
Non-Residential: **\$ 1.00 per gallon per day of estimated wastewater discharge**

APPLICABLE CAPACITY DEPLETION FEES ARE PAYABLE UPON FILING THIS SEWER SERVICE REQUEST

Property Owner(s): _____ Phone: _____

Mailing Address: _____

Property Address: _____

Tenant: _____ Phone: _____

Directions to Property: _____

Subdivision: _____ Lot #: _____

Deed Book/Page: _____ LRM: _____

Residential: _____ Gallons/day _____ # of Bedrooms

Commercial Process: _____ Gallons/day Commercial Domestic: _____ Gallons/day

Industrial Process: _____ Gallons/day Industrial Domestic: _____ Gallons/day

Structure Type: _____ Proposed OR _____ Existing

Water Supply: _____ City of Hendersonville _____ Asheville Buncombe Water Authority

_____ Private Well _____ Community Water

Other _____

SEWER LINE EXTENSION REQUEST

For the Cane Creek Water and Sewer District

FOR UTILITIES DEPT. USE ONLY:

APPLICATION # _____ PERMIT # _____ COMPLETION # _____
DATE: _____ DATE: _____ DATE: _____

Property Owner(s) _____

Mailing Address: _____

Phone: _____ DB/PG _____ LRM _____

Directions to property: _____

Project Name: _____

Description of Proposed Sewer Line Extension: _____

Design Engineer: _____

Engineer's Mailing Address: _____

Engineer's Phone: _____

ESTIMATED COST: _____ ESTIMATED CONSTRUCTION START DATE: _____

WASTEWATER REQUEST - Residential _____ gal/day _____ bedrooms _____ lots
Commercial Process: _____ gal/day Commercial Domestic: _____ gal/day
Industrial Process: _____ gal/day Industrial Domestic: _____ gal/day

Sewer Map _____ Line: _____ Connection Location: _____

Miscellaneous: _____

CAPACITY DEPLETION FEE

Single Family Residential: \$150.00 each
Multiple Family Residential:(apartments, nursing homes, condos, etc) \$150.00 per each family unit
Non-Residential: \$ 1.00 per gallon per day of estimated wastewater discharge as permitted by the Henderson County Utilities Dept.

APPLICABLE CAPACITY DEPLETION FEES ARE PAYABLE UPON FILING THIS SEWER LINE EXTENSION

Capacity Depletion Fees are non-refundable unless the wastewater treatment authority does not agree to accept and treat the subject wastewater or the Cane Creek Water and Sewer District doesn't have the necessary capacity in its wastewater system.

PROPERTY OWNER STATEMENT- I am the owner of the property referenced above and I agree to construct the subject Sewer Line Extension, subject to all the Ordinances, Rules, and Regulations of the CANE CREEK WATER & SEWER DISTRICT. I understand that any ALLOCATION or SEWER LINE EXTENSION PERMIT that is approved and/or issued as a result of this Sewer Line Extension Request shall become **VOID ONE (1) YEAR FROM THE DATE THE PERMIT IS ISSUED** if I, the applicant/permittee, have not (1) begun construction of the sewer line extension, (2) secured all permits and approvals required by the Henderson County Inspections Department and any other governmental units with the appropriate authority, (3) secured any required State approval of my application, plans, and specifications, (4) secured any required State approval of the actual construction (as built) of the Sewer Line Extension according to the approved plans and specifications and provide a North Carolina licensed engineer's certification of the same to the Henderson County Utilities Department.