

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 489

(Duly Adopted April 28, 2010)

AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING—INVESTIGATION AND EVALUATION PHASE WITH LEHIGH COUNTY AUTHORITY, UPPER MACUNGIE TOWNSHIP AUTHORITY, BOROUGH OF ALBURTIS SEWER AUTHORITY, THE BOROUGH OF MACUNGIE, AND THE TOWNSHIPS OF UPPER MILFORD, WEISENBERG, LOWER MACUNGIE, UPPER MACUNGIE, AND LOWHILL TO FACILITATE COORDINATED ACTIVITY IN UNDERTAKING THE INVESTIGATION AND EVALUATION PHASE OF THE SEWER CAPACITY ASSURANCE AND REHABILITATION PROGRAM ADOPTED BY THE BOROUGH AND OTHER MUNICIPALITIES AS A REVISION AND/OR AMENDMENT TO THEIR OFFICIAL SEWAGE FACILITIES PLANS.

WHEREAS, the Sewer Capacity Assurance and Rehabilitation Program has been adopted by all the municipality partners of the Western Lehigh Sewerage Partnership (including the Borough of Alburdis) as a revision and/or amendment to their Official Sewage Facilities Plans, in accordance with the Pennsylvania Sewage Facilities Act (Act 537); and

WHEREAS, the Western Lehigh Sewerage Partnership has prepared a Memorandum of Understanding—Investigation and Evaluation Phase, to continue to work in concert throughout the Investigation and Evaluation Phase of the Sewer Capacity Assurance and Rehabilitation Program; and

WHEREAS, the Borough of Alburdis finds that the Memorandum of Understanding—Investigation and Evaluation Phase conforms to the Sewer Capacity Assurance and Rehabilitation Program and the intent of the Western Lehigh Sewerage Partnership;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 65, Article XVI of the Alburdis Codified Ordinances (relating to Sanitary Sewer—Authorization of Agreements, Etc.) is amended by adding the following new Section 65-1607 after existing Section 65-1606:

**§ 65-1607 Sewer Capacity Assurance and Rehabilitation Program
Memorandum of Understanding—Investigation and
Evaluation Phase**

The Borough of Alburdis hereby approves the Memorandum of Understanding—Investigation and Evaluation Phase for the Sewer Capacity Assurance and Rehabilitation Program in the form attached to Ordinance 489 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign the Memorandum of Understanding—Investigation and Evaluation Phase on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

SECTION 2. The attached **Exhibit A** is incorporated into this Ordinance by reference.

{Remainder of page intentionally left blank.}

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 28th day of April, 2010, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 28th day of April, 2010, the above Ordinance is hereby **APPROVED**.

Robert W. Mader, Mayor

EXHIBIT A

MEMORANDUM OF UNDERSTANDING
WESTERN LEHIGH SEWER PARTNERSHIP
SEWER CAPACITY ASSURANCE AND REHABILITATION PROGRAM –
INVESTIGATION AND EVALUATION PHASE

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made this _____ of _____, 2010, by and among the following municipal parties (hereinafter collectively referred to as the “Western Lehigh Sewer Partnership, or Partners, or WLSP”):

1. LEHIGH COUNTY AUTHORITY (LCA)
2. UPPER MILFORD TOWNSHIP
3. WEISENBERG TOWNSHIP
4. LOWER MACUNGIE TOWNSHIP
5. UPPER MACUNGIE TOWNSHIP
6. UPPER MACUNGIE TOWNSHIP AUTHORITY
7. LOWHILL TOWNSHIP
8. BOROUGH OF ALBURTIS
9. BOROUGH OF ALBURTIS SEWER AUTHORITY
10. BOROUGH OF MACUNGIE.

The background of this Memorandum of Understanding is as follows:

1. The Partners have previously entered into various agreements, including, without limitation, the January 22, 1970 Agreement and the Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation) (all jointly referred to as the “WLI Agreements”) establishing details of the Western Lehigh Interceptor System and the conditions under which wastewater will be conveyed to the City of Allentown (City) Kline’s Island Treatment Plant.
2. The Partners desire to continue to have their wastewater conveyed to the Kline’s Island Treatment Plant by the Western Lehigh Interceptor System, owned and operated by LCA.
3. Peak flow issues in the Western Lehigh Interceptor System Service Area, which includes the LCA sewer conveyance systems and the collections systems connected to it (namely, Upper Milford Township, Weisenberg Township, Lower Macungie Township, Upper Macungie Township, Lowhill Township, Borough of Alburtis, and Borough of Macungie) have caused

the Pennsylvania Department of Environmental Protection (PADEP) to begin reviewing sewer system extensions in each of these communities. Pursuant to communications with PADEP and in accordance with Chapter 94 of the Pennsylvania Code requirements, LCA and the above municipalities and, where applicable, their wastewater authorities, have elected to prepare and implement a corrective action plan to collectively address the problems within each of these sanitary sewer systems.

4. LCA owns and operates certain collection systems in Weisenberg Township and Upper Milford Township and will be responsible for all work in these Townships related to the investigation of possible sources of inflow and infiltration and flow impediments using the Sewer Capacity Assurance and Rehabilitation Program (“SCARP”) Program Approach Outline; therefore, LCA shall sign this Memorandum of Understanding in regard to those two townships.
5. The Partners have formed the WLSP as an extension of the relationship established between LCA and the municipal parties in the various WLI Agreements to jointly investigate and develop an appropriate corrective action plan.
6. Since initial formation of the WLSP, the United States Environmental Protection Agency (“USEPA”) issued its Compliance Order CWA-03-2009-0313DN, the “Compliance Order” to all municipal dischargers to the City’s Kline’s Island Treatment Plant.
7. A plan, called the Sewer Capacity Assurance and Rehabilitation Program (SCARP), addressing both PADEP and USEPA concerns and other related long-term wastewater needs for the WLSP Partners. (Partners), has been jointly prepared.
8. The Partners have adopted the SCARP Program Approach Outline as part of the their respective Act 537 Plans as their governing plan with the following program objectives:
 - a. Controlling infiltration flows to help keep baseline flows below a yet to be defined rate that avoids, delays, or limits having infiltration trigger expensive treatment expansions/upgrades;
 - b. Supporting the City’s efforts to reduce peak flows at the Kline’s Island Treatment Plant to eliminate bypasses;
 - c. Controlling peak flows below a yet-to-be defined rate such that expensive treatment expansions/upgrades are avoided, delayed or limited;

- d. Supporting the City's efforts to prevent Sanitary Sewer Overflows ("SSOs") in interceptors between the Park Pump Station ("PPS") and the Kline's Island Treatment Plant;
 - e. Minimizing SSOs in Western Lehigh Interceptor ("WLI") and Little Lehigh Interceptors ("LLI");
 - f. Minimizing SSOs in individual collection systems; and
 - g. Providing aging collection systems with consistent and effective asset management practices that provide long term sustainability.
9. The SCARP Program Approach Outline defines a formal methodology for planning, evaluating, prioritizing, and conducting sewer rehabilitation, conveyance expansion, and/or storage construction in a coordinated and consistent manner.
 10. The SCARP establishes that the evaluation of alternatives begins with investigations conducted in a comprehensive and unified manner.
 11. The Partners recognize that restoration of conveyance capacity through a combination of infiltration and inflow removal, storage, and conveyance capacity enhancements is necessary to help protect the environment, address PADEP and USEPA concerns, and foster economic growth and development for western Lehigh County, and that these efforts must be based on a common understanding and appreciation of the nature, extent, and sources of inflow and infiltration and flow impediments.
 12. The purpose of this MOU is to establish an agreement among all of the Partners to jointly investigate possible sources of inflow and infiltration and flow impediments using the SCARP Program Approach Outline.
 13. This MOU provides for coordination and cooperation between the Partners during investigative and evaluation activities. A second memorandum of understanding will be negotiated, if appropriate, for the design and implementation phases of the SCARP.

NOW THEREFORE, the Partners hereto agree as follows:

ARTICLE 1

The Partners agree that:

1. The SCARP will be the mechanism by which the Partners achieve mutually agreed upon objectives and meet regulatory requirements in a timely, fiscally responsible, and cost effective manner.
2. The Partners will jointly develop and approve a Program Management Plan for the Investigation and Evaluation Phase (PMP-I&E) that identifies resources contributed and required by each of the Partners for all work performed through the completion of development of the Capital Improvement Plan(s) and Long-term Asset Management Plan(s).
3. Each of the Partners will support investigation of sources of inflow and infiltration as per the PMP-I&E. Investigations will be conducted in accordance with the procedures, techniques, methodologies, data capture and management tools, analysis methods, and quality assurance/quality control steps developed by LCA and approved by all of the Partners, with LCA approving in regard to the Upper Milford and Weisenberg Township collection systems.
4. All of the Partners will support the development and evaluation of storage, source removal, rehabilitation, and conveyance alternatives to meet the SCARP objectives as per the PMP-I&E.
5. The WLI agreements currently in effect or as amended in the future will continue to be the basis for setting conditions for conveyance and treatment of wastewater and allocation of wastewater capacities.

ARTICLE 2

The Partners agree that:

1. Each of the Partners will perform inflow and infiltration investigation activities within their respective sewer systems as outlined in the PMP-I&E, with LCA doing so in regard to the Upper Milford and Weisenberg Township collection systems.
2. The Partners will communicate any issues or obstacles preventing investigation activities, as outlined by the PMP-I&E, to LCA.

ARTICLE 3

LCA agrees that:

1. LCA will assist each of the Partners as requested in investigative activities by providing equipment and manpower as outlined in the PMP-I&E.
2. LCA will act as administrator for the PMP-I&E, keeping written accounts and records of all work costs, revenues, and progress associated with activities based on information as provided by each of the Partners and as required by the USEPA Compliance Order.
3. LCA will provide a summary report of the progress of the PMP-I&E to the Partners.

ARTICLE 4

1. The term of this agreement will continue until the Capital Improvement Plan(s) and Long-term Asset Management Plan(s) have been accepted by PADEP.

ARTICLE 5

1. This Agreement was approved pursuant to resolutions/ordinances of the governing body of each of the Partners, except that the LCA signature shall cover the Upper Milford and Weisenberg Township collection systems, as evidenced in the attached resolutions/ordinances.

LEHIGH COUNTY AUTHORITY _____

(On its behalf and as owner of the sewer collection systems in
Upper Milford and Weisenberg Townships)

LOWER MACUNGIE TOWNSHIP _____

UPPER MACUNGIE TOWNSHIP _____

UPPER MACUNGIE TOWNSHIP AUTHORITY _____

LOWHILL TOWNSHIP _____

BOROUGH OF ALBURTIS _____

BOROUGH OF ALBURTIS SEWER AUTHORITY _____

BOROUGH OF MACUNGIE _____