

The footnotes are NOT part of the Document, but have been added for the convenience of the reader.

**AMENDMENT TO
WASTEWATER TREATMENT CAPACITY
ALLOCATION AGREEMENT
(POST-1985 ALLOCATION)**

This Amendment, made the 1st day of February, 1988, by and among LEHIGH COUNTY AUTHORITY (“Authority”), a Pennsylvania municipal authority,

AND

the BOROUGHS OF ALBURTIS AND MACUNGIE and TOWNSHIPS OF LOWER MACUNGIE, LOWHILL, UPPER MACUNGIE, UPPER MILFORD AND WEISENBERG, all Pennsylvania municipal subdivisions located in Lehigh County, Pennsylvania (referred to collectively as the “Municipalities”).

WITNESSETH:

WHEREAS, the parties entered in the Wastewater Treatment Allocation Capacity Agreement (Post-1985 Allocation) dated 4 August 1987 (“Agreement”)¹ to provide a procedure for allocating the additional wastewater treatment capacity acquired in the City of Allentown (“City”) wastewater treatment facility through the 1 August 1986 Agreement² with the City; and

WHEREAS, this 1 August 1986 Agreement, which was consented and joined by the Municipalities, has provisions for the adoption of a stormwater management plan (the “Plan”) for the Little Lehigh Creek Drainage Basin; and

WHEREAS, certain deadlines in the 1 August 1986 Agreement for submittal and approval of a Plan have passed; and

WHEREAS, the City is willing to sell additional capacity to the Authority if the Municipalities make additional commitments regarding the Plan.

NOW THEREFORE, the parties, intending to be legally bound, represent, covenant and agree as follows:

1. Section 3.04 of the Agreement shall be replaced by the following language:

“The Municipalities agree to cooperate in the institution of a regional stormwater plan in accordance with Section 10 of the 1986 Agreement and to adhere to that plan. Any Municipality which fails to comply with the provisions of Section 10 or which exhibits willful and repeated violations of the approved stormwater management plan shall not have access to the allocation available under this agreement.”

2. This Amendment may be executed in multiple counterparts each of which shall be regarded for all purposes as an original, and such counterparts shall constitute one and the same instrument.

3. This Amendment shall be binding upon the parties and their respective successors and assigns.

¹ **Cross-Reference:** *see* Codified Ordinances ¶ 65-R(7).

² **Cross-Reference:** *see* Codified Ordinances ¶ 65-Q(5).

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers as of the day and year as first stated.

{Signed and Attested by Officers of Lehigh County Authority, Borough of Alburdis, Lower Macungie Township, Borough of Macungie, Lowhill Township, Upper Macungie Township, Upper Milford Township, and Weisenberg Township.}