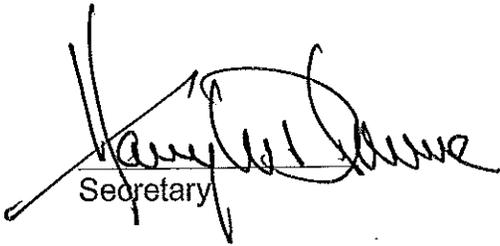


Official

Resolution of the Borough of Avalon

Resolution 1094

Resolution of the Borough of Avalon, fixing the sewer rates and charges for ALCOSAN for the year 2014.

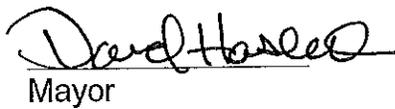


Secretary



President of Council

Resolved as of this date: December 30, 2013



Mayor

ALLEGHENY COUNTY SANITARY AUTHORITY
RESOLUTION FIXING SEWER RATES AND CHARGES
October 24, 2013

WHEREAS, the Allegheny County Sanitary Authority (the "Authority") is a public body, politic and corporate, exercising public powers of the Commonwealth of Pennsylvania (the "Commonwealth") as an agency thereof, duly organized and validly existing under the provisions of the Municipality Authorities Act, 53 Pa.C.S. §5601, *et seq.* (the "Act"); and

WHEREAS, the Authority has entered into standard municipal agreements ("Standard Municipal Agreements") with the City of Pittsburgh and certain other municipalities in and around Allegheny County, pursuant to which the Authority is designated the exclusive agent of each such municipality to furnish sewage treatment and disposal services; and

WHEREAS, the Authority has entered into standard industrial agreements ("Standard Industrial Agreements") with the City of Pittsburgh and certain corporations whose acceptable industrial wastes directly enter the system's intercepting sewers; and

WHEREAS, pursuant to the Standard Municipal Agreements and the Standard Industrial Agreements, the Authority Board of Directors has the right at any time and from time to time to revise and adjust its sewage service charges in such manner and to such extent as it may deem advisable; and

WHEREAS, pursuant to the Standard Municipal Agreements and the Standard Industrial Agreements, the Authority is authorized to set sewage service charges to pay for administrative and operating expenses of the Authority and to pay amounts required under the Trust Indenture dated as of July 1, 1997, as supplemented by a First Supplemental Trust Indenture dated as of October 1, 2000, a Second Supplemental Trust Indenture dated as of August 1, 2001, a Third Supplemental Trust Indenture dated as of December 15, 2003, a Fourth Supplemental Trust Indenture dated as of May 18, 2005, a Fifth Supplemental Trust Indenture dated as of July 1, 2007, a Sixth Supplemental Trust Indenture dated as of October 1, 2010, and a Seventh Supplemental Trust Indenture dated as of September 1, 2011 between the Authority and The Bank of New York Mellon Trust Company, N.A. (as successor by merger to The Bank of New York Trust Company, N.A.), as successor Trustee; and

WHEREAS, the Members of the Authority Board of Directors have reviewed and carefully considered all available information relating to the establishment of such rates, including but not limited to the Rate Study prepared by Black & Veatch; and

WHEREAS, the Authority Board of Directors has determined that the proposed rates contained in this Resolution are reasonable and uniform, and will amount to an approximate 17% increase in 2014, an approximate 11 % increase in 2015, an approximate 11% increase in 2016, and an approximate 11% increase in 2017; and

- (c) Other Water Users. The quantity of water used by water users other than those referred to in subsections (a) and (b) above shall be estimated by the Authority, and each such water user's sewage charge shall be calculated by applying the rate set forth in subsection (a) to the estimated quantity.

Section 2. SURCHARGES APPLICABLE TO HIGH-STRENGTH SEWAGE DISCHARGES. In any case in which a discharger's wastes have an unusually high concentration of the suspended solids and/or biochemical oxygen demand, the sewage charges provided in Section 1 shall be increased according to the following formula:

- (a) Suspended Solids Charge

$$(SS-275) * .008345 * \$0.2464 * \text{flow (1,000 gallons)}$$

Where:

SS = Suspended solids of particular wastes in milligrams per liter (mg/L)

.008345 = Conversion factor from mg/L to pounds per 1,000 gallons

\$0.2464 = Treatment cost per pound of suspended solids

- (b) Biochemical Oxygen Demand

$$(\text{BOD} - 300) * .008345 * \$0.2184 * \text{flow (1,000 gallons)}$$

Where:

BOD = Biochemical oxygen demand of particular wastes in milligrams per Liter (mg/L)

.008345 = Conversion factor from mg/L to pounds per 1,000 gallons

\$0.2184 = Treatment costs per pound of biochemical oxygen demand

Section 3. ADDITIONAL CHARGES FOR COMMERCIAL GARBAGE DISPOSALS. For each commercial (i.e., non-residential) garbage disposal, the Authority shall charge users as follows:

\$172.37 times horsepower capacity per quarter

Section 4. RATE FOR DISCHARGE OF CONSTRUCTION SITE GROUNDWATER. The following rates will apply to the temporary discharge of accumulated groundwater from construction excavation sites, provided that:

1. The need to discharge to the sewage collection system will not exceed nine (9) months; and
2. No toxic pollutant listed in the ALCOSAN Pretreatment Regulations is present in untreated groundwater above detection limits established for USEPA-approved analytical methods for such pollutant; and

sewage meter, in which event the sewage charges will be based upon the quantity of sewage so metered. For the reading of the sewage meter and the account maintenance required to bill based on such meter, a charge per meter will be made according to the Unit Cost for Auxiliary Meters.

- (e) For accounts that use well water in addition to public water and where the well water is metered, the metered well usage will be added to the public water usage to produce the sewage charge. For the reading of the well water meter and the account maintenance required to bill based on such meter, a charge per meter will be made according to the Unit Cost for Auxiliary Meters.
- (f) The Unit Cost for Auxiliary Meters is \$110.00 per year.
- (g) The invoices of those customers whose billing cycles include two different rate structures will be prorated between the two periods.
- (h) The sewer rates and charges contained herein shall be effective on the dates indicated without further notice or action by the Authority Board of Directors.
- (i) The sewer rates and charges contained herein are subject to change or adjustment at any time in such manner and to such extent as the Authority Board of Directors may deem advisable. Any such changes or adjustments must be implemented by a separate Resolution approved by the Authority Board of Directors. At least sixty (60) days before any revised sewer service charges shall become effective, the Authority shall submit in writing a statement to the municipalities and corporations bound by the Standard Municipal Agreements and the Standard Industrial Agreements, referenced in the Preamble hereto, setting forth the new schedule of service charges and the reasons why it was found necessary or desirable to put them into effect.

Section 7. REPEALER. All prior rate schedules and resolutions are hereby repealed, in whole or in part, to the extent inconsistent herewith.

Section 8. SEVERABILITY. Should any part or section of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole or any part thereof other than the part held to be invalid.

Section 9. EFFECTIVE DATE. This Resolution shall take effect in accordance with applicable law.