

1-2007

**A RESOLUTION OF THE BOARD OF THE
TOWNSHIP OF SCHUYLKILL**

AUTHORIZING THE EXECUTION OF AN AMENDMENT (NO. 3) TO THE CONSENT ORDER AND AGREEMENT BY AND BETWEEN THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THE SCHUYLKILL VALLEY SEWER AUTHORITY, THE BOROUGH OF NEW PHILADELPHIA, THE TOWNSHIP OF SCHUYLKILL, THE TOWNSHIP OF BLYTHE, AND THE BOROUGH OF MIDDLEPORT ("MEMBER MUNICIPALITIES"), CONCERNING THE CLEAN STREAMS LAW, SEWAGE FACILITIES ACT AND THE RULES AND REGULATIONS PROMULGATED HEREUNDER.

WHEREAS, the Township desires to execute an Amendment to the Consent Order and Agreement (No. 3) between the Schuylkill Valley Sewer Authority ("Authority"), the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), the Borough of New Philadelphia, the Borough of Middleport, the Township of Blythe, and the Township of Schuylkill, all members municipalities of the Schuylkill Valley Sewer Authority; and

WHEREAS, the Township has reviewed the Amendment (No. 3) to the Consent Order and Agreement and finds that execution thereof would be in the best interest of the Township

NOW THEREFORE, be it resolved by Supervisors of the Township of Schuylkill that:

1. The Supervisors of the Township of Schuylkill are hereby authorized, empowered and directed on behalf of the Township to execute Amendment No. 3 to the Consent Order and Agreement, attached hereto and passed by the Township on December 6, 2006
2. The Supervisors of the Township of Schuylkill are hereby authorized, empowered and directed on behalf of the Township to undertake any and all motions and things necessary or proper for the execution or carrying out of this Resolution and the obligations contemplated within the aforementioned Amendment No. 3 to the Consent Order and Agreement.

DULY ADOPTED THIS 7TH DAY OF FEBRUARY, 2007, BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SCHUYLKILL, SCHUYLKILL COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED, EFFECTIVE RETROACTIVE TO DECEMBER 6, 2006, THE DATE THE AMENDMENT WAS SIGNED BY THOSE DULY AUTHORIZED REPRESENTATIVES OF THE TOWNSHIP OF SCHUYLKILL.

TOWNSHIP OF SCHUYLKILL

By: Joseph Boran
Joseph Boran, Chairman

By: Maureen E. Vanek
Maureen Vanek, Vice Chairman

ATTEST:

Mary E. Bubel
Mary E. Bubel, Secretary

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Schuylkill Valley Sewer Authority, Schuylkill County	:	Clean Streams Law, Sewage Facilities
Borough of New Philadelphia, Schuylkill County	:	Act and the rules regulations
Borough of Middleport, Schuylkill County	:	Promulgated thereunder
Blythe Township, Schuylkill County	:	
Schuylkill Township, Schuylkill County	:	

**AMENDMENT NO. 3
TO CONSENT ORDER AND AGREEMENT**

This Amendment No. 3 to Consent Order and Agreement is entered into this 6th day of December 2006, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Schuylkill Valley Sewer Authority ("SVSA"), the Borough of New Philadelphia ("New Philadelphia"), the Borough of Middleport ("Middleport"), Blythe Township ("Blythe") and Schuylkill Township ("Schuylkill").

Findings

The Department and SVSA, New Philadelphia, Middleport, Blythe and Schuylkill agree that the following findings are true and correct:

1. The Department and SVSA, Schuylkill, Blythe, Middleport, and New Philadelphia entered into a Consent Order and Agreement on August 10, 2000.

2. On February 20, 2001, the Department and SVSA, Schuylkill, Blythe, Middleport, and New Philadelphia entered into Amendment No. 1 to the August 10, 2000 Consent Order and Agreement.

3. On July 16, 2001, the Department and SVSA, Schuylkill, Blythe, Middleport, and New Philadelphia entered into Amendment No. 2 to the August 10, 2000 Consent Order and Agreement.

4. On October 12, 2006, SVSA submitted a written request to the Department to extend the deadline imposed by paragraph 3(a)(9) of the August 10, 2000 Consent Order and Agreement to May 1, 2007.

Order

After full and complete negotiation of all matters set forth in this Amendment No. 3 to Consent Order and Agreement and upon mutual exchange of the covenants contained herein, the parties intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by SVSA, New Philadelphia, Middleport, Blythe, and Schuylkill as follows:

1. Paragraph 3(a)(9) of the August 10, 2000 Consent Order and Agreement is amended to read as follows:

- 9) Complete all individual (residential and commercial) connections to the wastewater collection/conveyance systems, as needed, and initiate operation of all upgraded and newly constructed facilities by May 1, 2007.

2. All other terms and conditions of the August 10, 2000 Consent Order and Agreement shall remain as originally stated.

3. The Amendment No. 3 to the August 10, 2000 Consent Order and Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute one and the same agreement.

4. For the purposes of the execution of this Amendment No. 3, the parties agree that photocopied signatures may serve as original signatures.

5. Attached hereto as Appendix A are resolutions of the SVSA and the Borough Council and Board of Supervisors of New Philadelphia, Middleport, Blythe and Schuylkill authorizing its signatories below to enter into this Amendment No. 3 to the August 10, 2000 Consent Order and Agreement on its behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of SVSA, New Philadelphia, Middleport, Blythe, and Schuylkill certify under penalty of law, as provided by 18 Pa.C.S. § 4904, that they are authorized to execute this Amendment No. 3 to Consent Order and Agreement on behalf of SVSA, New Philadelphia, Middleport, Blythe, and Schuylkill ; that SVSA, New Philadelphia, Middleport, Blythe, and Schuylkill consents to the entry of this Amendment No. 3 to Consent Order and Agreement as a final ORDER of the Department; and that SVSA, New Philadelphia, Middleport, Blythe, and Schuylkill hereby knowingly waives its rights to appeal this Amendment No. 3 to Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, The Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa.C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by SVSA, New Philadelphia,

Middleport, Blythe, and Schuylkill's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR NEW PHILADELPHIA BOROUGH:

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Name:
Title:

Kate Crowley
Water Management Program Manager

Name:
Attorney for New Philadelphia Borough

Joseph S. Cigan, III
Assistant Counsel

FOR THE BOROUGH OF MIDDLEPORT:

FOR BLYTHE TOWNSHIP:

Name:
Title:

Name:
Title:

Name:
Attorney for The Borough of Middleport

Name:
Attorney for Blythe Township

FOR SCHUYLKILL TOWNSHIP:

FOR SCHUYLKILL VALLEY SEWER AUTHORITY:

Joseph Boran

Name:
Title:

Name:
Title:

Name:
Attorney for Schuylkill Township

Name:
Attorney for Schuylkill Valley Sewer Authority