Wastewater Allocation Procedures for Municipal Sewage Collection Systems Discharging to the Western Lehigh Interceptor and Utilizing LCA-Purchased City of Allentown Treatment Capacity

Following approval of the "Post-1985 Allocation" Agreement (dated August 4, 1987) and amendments 1-4 (dated February 1, 1988, April 17, 1991, August 2, 2000, and January 2, 2007, respectively) by Lehigh County Authority, the Boroughs of Macungie and Alburtis, and the Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford, and Weisenberg, the following guidelines are now in effect for allocation of wastewater treatment capacity:

1. All available allocation is to be placed in a "General Pool," available to all residential and non-residential users on a first-come, first-served basis.

2. An application for first-time use of allocation may not be filed with a municipality until the property owner obtains:

   a) final or final conditional plan approval in accordance with the municipality's process
   b) satisfaction of PA Act 537 requirements supported by:
      i) a letter from Pennsylvania DEP (PA DEP) approving the appropriate planning module components, or
      ii) a letter from PA DEP stating that the project meets the requirements of a "no planning needed" determination.

   Applications received prior to the receipt of the above required documentation are incomplete and will not be considered.

3. Wastewater allocation is not a property interest; it cannot be sold, traded, or transferred to a different property. It is permission given to a property to access the public wastewater transportation and treatment system only to the extent necessary for the property and to the extent capacity in the public system is available. Fees paid are compensation for public expenditures to provide, operate and maintain such public wastewater transportation and treatment system, not the purchase of a property interest in such facilities.

4. Allocation is lost, with no reimbursement of fees, and the treatment capacity returned to the General Pool, unless the following milestones are met within the deadlines specified below:

   a) With new construction or new first-time allocation for an existing building:

      i) Within 2 years from the allocation approval date, a certificate of occupancy must be issued by the local municipality for the building(s) for which allocation was received, and

      ii) Within three (3) years from the allocation approval date, all allocation must be used to avoid the loss of that portion of the allocation that is unused.

   b) For additional use by an existing user (a holder of previously approved allocation), within three (3) years from the additional allocation approval date, at least 80% of the additional allocation and all previous allocation must be utilized to preclude loss of that portion of unused allocation.

5. If the Applicant can show that the non-compliance with the above deadlines was the result of force majeure, the fees, excluding any interest, shall be returned to the Applicant in the amounts originally paid for the unused allocation, upon return of the allocation to the General Pool (force majeure is defined in the Post-1985 Allocation Agreement).

6. If the Applicant can show just cause, the deadline may be waived, and a reasonable extension granted in accordance with the provisions of Section 2.09 of the Post-1985 Allocation Agreement. For processing the waiver, there shall be a fee of $100 per thousand gallons of treatment allocation, with a minimum fee of $100. Any allocation deadline extension may require the payment of additional allocation fees to reflect any increase in those fees since the time of purchase. These fees include the fees payable to LCA for use of its treatment and transportation assets **and** fees pertaining to use of municipal collection system assets.

7. When any allocation has been held for more than three (3) years and sewer usage monitoring shows that either insufficient allocation was purchased or excess allocation is not being used, the Collection System Owner (CSO) will make an adjustment as either a charge to the property owner for additional allocation at the then current rates, or as a loss of unused allocation that is returned to the General Pool, with no reimbursement of fees. The CSO shall notify a user if it has reviewed the user's previous four quarters average and determined that the user's sewer discharge average is above its current purchased allocation. The user shall have a reasonable time, which the CSO shall solely determine based on the type of usage producing the sewage, to curtail its usage to come within the parameters of the purchased allocation. If the user is unable to restrict its usage to meet its allocation limits, the user will be required to purchase additional allocation reflecting the difference between its current allocation and the four quarters average.

8. After a Certificate of Occupancy is obtained and all purchased allocation is fully utilized within 3 years, all allocation shall remain with the land and unit for which it has been purchased. This condition applies to all past and future allocations.

9. If a property is subdivided as provided under the codes of the municipality, then the existing allocation for the original property may be divided amongst the newly created subdivided property and a specific portion of the allocation attributed to each remaining parcel as determined by the user and approved by LCA. Section 4 above will then apply after the subdivision approval. For non-residential users, allocation applications shall include a request for a specific treatment capacity as determined by the applicant and as approved by the LCA Capital Works staff for appropriateness of the applicant's usage estimate, to then be submitted to the appropriate municipality. For residential units, an allocation of 223 gallons per day (gpd) is considered as one EDU (equivalent dwelling unit).

10. If appropriate allocation is available and following approval by the municipality, it will be forwarded to Lehigh County Authority (LCA). LCA will act on all applications; applications for 50,000 gallons per day (gpd) or greater must be reviewed with the LCA signatories (those municipalities which are signatories of LCA wastewater treatment capacity allocation agreements) prior to approval. When an application is filed, all fees must accompany it. Currently, there are two types of fees charged - the collection system fees and the LCA fees for use of the Western Lehigh Interceptor, the Little Lehigh Relief Interceptor, and treatment at the City of Allentown Wastewater

Treatment Plant. Typically, LCA fees are revised annually. Effective September 15, 2026 the LCA fees are as follows:

	2026-27 Rate (per gallon per day)
LCA Fee:	
Treatment Allocation Fee	$8.07
Western Lehigh Interceptor Fee	6.15
Little Lehigh Relief Interceptor Fee	2.30
Total	$16.52

For residential units, an allocation of 223 gpd is considered as one EDU (equivalent dwelling unit).

Applicants should check with the Collection System Owner for the municipality within which the property is located for the respective collection system fees.

Property Municipal Location	**Collection System Owner**	**Contact Information**
Upper Macungie Township	Upper Macungie Township	8330 Schantz Rd Breinigsville, PA 18031 610-395-4892
Lower Macungie Township	Lower Macungie Township	3400 Brookside Rd. Macungie, PA 18062 610-966-4343
Borough of Alburtis	Borough of Alburtis	260 Franklin St Alburtis, PA 18011 610-966-4777
Borough of Macungie	Borough of Macungie	21 Locust St. Macungie, PA 18062 610-966-2503
Upper Milford Township	LCA	1053 Spruce Rd. Allentown, PA 18106 610-398-2503
Weisenberg Township	LCA	1053 Spruce Rd. Allentown, PA 18106 610-398-2503
Lowhill Township	LCA	1053 Spruce Rd. Allentown, PA 18106 610-398-2503

Copies of the “Post-1985 Allocation” Agreement and all amendments are available by contacting Jennifer Montero, Contracts Administrator, at JenniferMontero@lehighcountyauthority.org