

Wastewater Allocation Procedures

Lehigh County Authority Service Area

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 allocation may not be filed with a municipality until final plan approval in accordance with the municipality's process has been given and Pennsylvania DEP has approved the Sewer Planning Module related to the development per PA Act 537. Applications received without a Pennsylvania DEP approved Sewer Planning Module are deemed 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 some 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. All allocation shall remain with the land and unit for which it has been purchased. This condition applies to all past and future allocations.
8. All allocation applications shall include a request for a specific treatment capacity requirement determined by the applicant and shall be submitted to the appropriate municipality. If appropriate allocation is available and following approval by the municipality, it will be forwarded to Lehigh County Authority (LCA). LCA will take action 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, for every municipality, two fees are charged - the municipality fee and the LCA fee. Typically, LCA fees are revised annually. Effective January 1, 2021, the LCA fees are as follows:

	2022 Rate <u>(per gallon per day)</u>
LCA Fee:	
Treatment Allocation Fee	\$7.13
Western Lehigh Interceptor Fee	4.80
Little Lehigh Relief Interceptor Fee	<u>1.83</u>
Total	\$13.76

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

Applicants should check with the municipality within which the property is located for the respective municipality fees.

Copies of the "Post-1985 Allocation" Agreement and all amendments are available by contacting Jennifer Montero, Contracts Administrator, at JenniferMontero@lehighcountyauthority.org or at [610-398-2503](tel:610-398-2503).