

OFFICIAL

**THE TOWNSHIP OF SOUTH FAYETTE
RESOLUTION NO. 2023-20**

A RESOLUTION OF THE TOWNSHIP OF SOUTH FAYETTE,
ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING
THE EXECUTION OF THE TERM SHEET WITH ALCOSAN.

WHEREAS, ALCOSAN entered into a Consent Decree (the “Consent Decree”) with the United States Environmental Protection Agency (the “EPA”), the Pennsylvania Department of Environmental Protection (the “DEP”) and the Allegheny County Health Department (the “ACHD”), which was approved by the United States District Court for the Western District of Pennsylvania on January 23, 2008; and

WHEREAS, the Consent Decree requires ALCOSAN to eliminate dry weather discharges and sanitary sewer overflows from its system, reduce combined sewer overflows from its system in accordance with the EPA’s combined sewer overflow policy, and build adequate sewer infrastructure to achieve these goals; and

WHEREAS, ALCOSAN must prepare a regional long-term wet weather control plan (the “Wet Weather Plan”) that identifies remedial controls and activities needed to comply with the Consent Decree requirements; and

WHEREAS, The Township of South Fayette (the “Township”) is the municipality in which the Municipal Authority of the Township of South Fayette (the “Authority”) has its service area; and

WHEREAS, the Authority is a customer of ALCOSAN and partially owns and operates the Pump Station connected to the Robinson Run trunk line located in North Fayette Township, but on Oakdale Borough-owned property (the “Asset”); and

WHEREAS, the Authority entered into a Consent Order and Agreement (the “Consent Order”) with the Allegheny County Health Department on September 23, 2021, imposing on the Authority certain obligations with respect to its sewer system that are consistent with and in furtherance of the purposes of the Wet Weather Plan; and

WHEREAS, the Authority has determined that fulfillment of the Wet Weather Plan and satisfaction of certain aspects of the Consent Order can be most efficiently undertaken if the Asset is owned and operated by ALCOSAN; and

WHEREAS, the Board of Commissioners of the Township supports the Authority’s determination and seeks to take steps necessary to demonstrate that support; and

WHEREAS, the Township of South Fayette has no financial responsibility under the Term Sheet as presented, nor any responsibility toward the maintenance, repair or replacement of the Assets transferred pursuant to the same.

NOW, THEREFORE, the Board of Commissioners of the Township hereby resolves as follows, incorporating the above recitals by reference:


Section 1. The Board of Commissioners of the Township, provided that it has no financial maintenance, repair or replacement responsibilities pursuant to the Term Sheet, hereby approves the Term Sheet as presented and authorizes the members of the Board of Commissioners, in the name and on behalf of the Township, to execute or cause to be executed the Term Sheet and to take such other actions as shall be reasonably required to consummate the conveyance of the Asset to ALCOSAN in accordance with the intent and purposes of this Resolution.

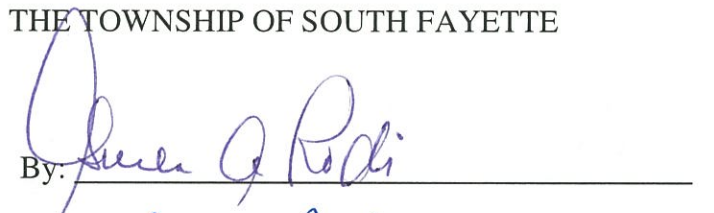
Section 2. This Resolution shall take effect immediately.

RESOLVED and **ADOPTED** this 13 day of September 2023, by the Board of Commissioners of the Township in lawful session duly assembled.

ATTEST:

THE TOWNSHIP OF SOUTH FAYETTE


Name: John M. Barrett
Title: Township Manager


By: _____
Name: Gwen Rodi
Title: President, Board of Commissioners

(Seal)