

OFFICIAL

TOWNSHIP OF SOUTH FAYETTE

RESOLUTION NO. 2024-09

A RESOLUTION OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF THE TRANSFER AGREEMENT AND RELATED DOCUMENTS, INSTRUMENTS, AND AGREEMENTS WITH ALCOSAN AND THE TRANSFER TO ALCOSAN OF CERTAIN SEWER SYSTEM ASSETS IN ACCORDANCE THEREWITH.

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 a customer of ALCOSAN and owns certain intermunicipal trunk sewer lines and the associated manholes that connect to such sewer lines (collectively, the “Assets”); and

WHEREAS, the Municipal Authority of the Township of South Fayette (the “Authority”) entered into a Consent Order and Agreement (the “Consent Order”) with the Allegheny County Health Department on September 23, 2021 on behalf of the Township imposing 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 Board of Commissioners of the Township has determined that fulfillment of the Wet Weather Plan and satisfaction of certain aspects of the Consent Order, as executed by the Authority, can be most efficiently undertaken if the Assets are owned and operated by ALCOSAN; and

WHEREAS, the Township desires to transfer the Assets to ALCOSAN pursuant to the terms of a Transfer Agreement and certain related documents, instruments and agreements (collectively, and together with the Schedules and Exhibits attached thereto, the “Transfer Agreement”).

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

Section 1. The Board of Commissioners hereby approves the Transfer Agreement as presented and authorizes the officers of the Board to make such further revisions thereto as such officers determine to be in the best interests of the Township and acceptable to ALCOSAN, consistent with the intent and purposes of this Resolution.

Section 2. The officers of the Board and the Township are hereby authorized and directed, in the name and on behalf of the Township, to execute or cause to be executed the Transfer Agreement and such other documents, instruments, and agreements, and to take such other actions as shall be reasonably required to consummate the conveyance of the Assets to ALCOSAN in accordance with the intent and purposes of this Resolution.

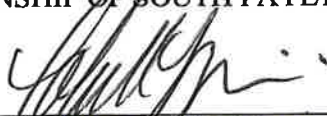
Section 3. This Resolution shall take effect immediately.

RESOLVED and **ADOPTED** this 13th day of March, 2024, by the Board of Commissioners of the Township in lawful session duly assembled.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE


Name: John M. Barrett
Title: Township Manager

By: 
Name: Chuck Lazzini
Title: Board President

(Seal)