



City of Pittsburgh

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Pittsburgh, PA 15219

Text File

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Committee: Committee on Finance, Law and
Purchasing

Status: Passed Finally

Presented by Mr. Deasy and Mr. Bodack

Resolution supplementing Resolution No. 8 of 2004 and authorizing the Mayor to execute on behalf of the City a First Amendment to the Consent Order and Agreement entered into by the City and the Pittsburgh Water and Sewer Authority with the Allegheny County Health Department and the Commonwealth of Pennsylvania Department of Environmental Protection dated January 29, 2004.

WHEREAS, pursuant to Resolution No. 8 of 2004, effective January 28, 2004, the City and the Pittsburgh Water and Sewer Authority ("PWSA") entered into a Consent Order and Agreement with the Allegheny County Health Department ("ACHD") and the Commonwealth of Pennsylvania Department of Environmental Protection ("DEP") dated January 29, 2004, with Final Execution on April 21, 2004; and

WHEREAS, the aforesaid Consent Order and Agreement ("COA") obligated the City and PWSA to perform certain tasks in order to be in compliance with the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, *as amended*, 53 P.S. §§ 691.1-691.1001, and the federal Clean Water Act, Act of October 18, 1972, P.L. 92-500, 86 Stat. 880, *as amended*, 33 U.S.C. §§ 1251 *et seq.*; and

WHEREAS, the duties imposed on the City and PWSA by the COA include conducting a quality analysis and quality control analysis ("QA/QC Analysis") of flow data to be provided by the Allegheny County Sanitary Authority ("ALCOSAN"), said flow monitoring to commence by June 1, 2007; and

WHEREAS, the various obligations imposed on the City and PWSA under the COA were to be commenced or completed by dates certain, with a final termination date of June 30, 2012; and

WHEREAS, on May 31, 2007, ALCOSAN entered into a Consent Decree with United States of America, by the authority of the Attorney General of the United States, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), the DEP and the ACHD; and

WHEREAS, under the Consent Decree, ALCOSAN is obliged, among other things, to install flow meters and develop a regional flow monitoring plan ("RFMP") designed to provide data sufficient for the City and PWSA to develop a Feasibility Study; and

WHEREAS, the City and PWSA are obligated under their COA to complete the Feasibility Study six months after ALCOSAN submits a Wet Weather Plan to the EPA or the DEP, which Wet Weather Plan is due under ALCOSAN's Consent Decree by September 30, 2012; and

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WHEREAS, extensions of time for the City's and PWSA's duties under the COA are therefore necessary for the City and PWSA to avoid suffering penalties under the COA for failure to comply with the COA's deadlines; and

WHEREAS, the DEP has consented to extend the deadline for the flow monitoring to be commenced by the City and PWSA, and to extend the termination date of the COA; and

WHEREAS, the DEP requires that the COA be amended by a First Amendment to the COA setting forth the new deadlines;

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Resolution No. 8 of 2004 is supplemented to authorize the Mayor to execute on behalf of the City a First Amendment to the Consent Order and Agreement dated January 29, 2004.

Section 2. The First Amendment shall amend Paragraph 14.a of the COA to extend the date for commencement of flow monitoring by the City and PWSA.

Section 3. The First Amendment shall amend Paragraph 41 of the COA to extend the termination date of the COA as to the City and PWSA.

Section 4. All other provisions of the COA shall remain unchanged.

Section 5. The effective date of the First Amendment shall be May 31, 2007.