

**RESOLUTION 2022-09**

**A RESOLUTION OF THE UPPER MONTGOMERY JOINT AUTHORITY,  
MONTGOMERY COUNTY, PENNSYLVANIA, APPROVING AN AGREEMENT WITH  
THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO  
RESOLVE VIOLATIONS OF THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM PERMIT**

**WHEREAS**, Upper Montgomery Joint Authority (hereinafter “UMJA”) is a municipal authority organized and existing under the Pennsylvania Municipality Authorities Act of 1945, as amended; and

**WHEREAS**, UMJA has constructed, owns, and operates sanitary sewage collection and treatment facilities in East Greenville, Pennsburg, and Red Hill Boroughs, and a portion of Upper Hanover Township, Montgomery County, Commonwealth of Pennsylvania; and

**WHEREAS**, the Pennsylvania Department of Environmental Protection (hereinafter referred to as “DEP”) is vested with the duty and authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§691.1 et seq., and the rules and regulations promulgated thereunder, including, but not limited to the issuance of National Pollutant Discharge Elimination System (hereinafter referred to as “NPDES”) permits; and

**WHEREAS**, UMJA applied for, was approved for, and was granted renewal of NPDES Permit No. PA0020532 for the discharge of treated sewage from the UMJA’s sewage treatment plant to Green Lane Reservoir; and

**WHEREAS**, DEP, during an administrative review of its records, determined that UMJA had a number of sanitary sewer overflows (hereinafter referred to as “SSO”) exceedances of UMJA’s permitted effluent limitations; and

**WHEREAS**, after a period of full and complete negotiations between the DEP and UMJA, (hereinafter referred to as the “Parties”), the Parties desire to resolve the issues and controversies between them and have prepared and agreed to a Consent Assessment of Civil Penalty Agreement (hereinafter referred to as the “Consent Agreement”); and

**WHEREAS**, pursuant to the Consent Agreement, DEP has agreed to waive certain SSOs and exceedances in exchange for the payment by UMJA of a Civil Penalty.

**NOW THEREFORE**, be it **RESOLVED**, and it is hereby **RESOLVED**, that:

1. The Board approves the Consent Agreement as presented at the Board Meeting on November 8., 2022.

2. The Board agrees to pay to the Pennsylvania Department of Environmental Protection a civil penalty in the amount of Eighteen Thousand Seventy Six & 00/100 (\$18,076.00) Dollars in resolution of the Department’s claim for civil penalties pursuant to §605 of the Clean Streams Law, 35 P.S. §691.605.

3. The Board authorizes the Chair, Vice Chair, and Secretary to execute and attest the signatures of the officers of the Authority on the Consent Agreement.

**RESOLVED AND ADOPTED** this 8<sup>th</sup> Day of November 2022.

UPPER MONTGOMERY JOINT AUTHORITY

BY:   
\_\_\_\_\_  
(Vice) Chair

ATTEST:   
\_\_\_\_\_  
(Assistant) Secretary