

P. Multiple Uses. Whenever any Improved Property shall have more than one use established thereon, the number of Equivalent Dwelling Units for such Improved Property shall be equal to the sum of the number of Equivalent Dwelling Units for each individual use (as provided in the preceding subsections of this Section E).

Q. SPECIAL EXCEPTIONS TO USE OF PRESUMED EDU=S

- (1) In General. The City recognizes that the presumptions set forth in Section 5 may not properly reflect discharge rates from a given Improved Property for sewer. Therefore, the procedures set forth in this Section shall apply to any request to establish a different number of EDU=s for any given Improved Property, applicable to sewage discharge by special exception.
- (2) Request for Special Exception. Either the City or a person with an interest in the Improved Property may request a special exception to the presumptions of Section E. The City shall make such a request by mailing (certified mail, return receipt requested to last known address) or hand-delivering a notice of the request to the Owner of the Improved Property or his authorized agent. Any other interested person shall make such a request by filing a written notice with the City, on forms prescribed by the City.
- (3) Agreement of Owner and City. If the owner of the Improved Property and the City shall agree that the number of EDU=s which should be assigned to any Improved Property for purposes of sewer, should be higher or lower than the number of Presumed EDU=s under Section 5, and shall agree on the appropriate number of EDU=s the number so agreed shall be the number of EDU=s assigned to the Improved Property at that time. Any agreement under this subsection (c) with respect to any particular situation giving rise to an obligation to make a payment to the City shall be made at or prior to the time that the payment is due to the City.

947.05 Fees Due

A. Except as hereinafter set forth, the Tapping Fee charged pursuant to this Ordinance for each Improved Property which is to be newly connected to the Sewer System shall be due and payable at the time application is made to connect to the sewer system.

B. In the case of a Tapping Fee charged due to a change or intensification in the use of a property connected to the Sewer System, the tapping Fee shall be due and payable:

- (1) at or before the time the Owner or his agent obtains a building permit, if a building permit is required in connection with the circumstances under which the Tapping Fee is imposed;
- (2) at or before the time the Owner or his agent obtains a zoning permit, if a building permit is not required but a zoning permit is required in connection with the circumstances under which the Tapping Fee is imposed;
- (3) at or before the time the Owner or his agent obtains a business privilege license, if neither a building permit nor zoning permit is required, but a new business privilege license is required in connection with the circumstances under which the Tapping Fee is imposed;
- (4) at or before the time the Owner or his agent completes his improvements, alterations, extensions, or modifications, or establishes his new use, or intensifies his existing use, if neither a building permit, a zoning permit, nor a business privilege license is required in connection with the circumstances under which the Tapping Fee is imposed.

Fee to Paid Prior to Service

It is expressly understood that all fees charged pursuant to this Resolution shall be based upon the duly adopted fee schedule at the time of payment. It is expressly understood that no capacity shall be guaranteed for an Owner until such time as the Tapping Fees enumerated herein have been paid or secured by financial security as may be approved by the City.

All Fees as authorized to be charged pursuant to this Ordinance shall be in addition to any charges assessed against the property in the construction of a sewer main or appurtenances by the City as well as any other user charges, industrial waste fees and charges and connection fees imposed by the City.

947.07 Review of Fees

That the City reserves its right to review the fees set forth in this Ordinance as well as the methods of calculation thereof from time to time as it deems necessary.

ARTICLE 949
INDUSTRIAL COST RECOVERY SYSTEM

- 949.01 Purpose and Scope
- 949.02 Effective Date
- 949.03 Definitions
- 949.04 Application
- 949.05 Industrial User Classification and Monitoring
- 949.06 Computation of Industrial Cost Recovery Payments
- 949.07 Industrial Cost Recovery Charge Formula
- 949.08 Administration
- 949.09 Industrial Cost Recovery Billing
- 949.10 Appeals
- 949.11 Reserved Capacity Agreements
- 949.12 Disposition of Industrial Cost Recovery Revenue
- 949.13 Partial Invalidity

949.01 PURPOSE AND SCOPE

This ICRS implements the requirements of Section 204 (b) (1) (B) of Public Law 92-500, 33 U.S.C. Section 1284 (b) (1) (B), the Amendments of 1977 as well as the regulations and guidelines issued pursuant thereto, in order to maintain eligibility for Federal grants which provide necessary funds for the construction of wastewater treatment works.

It is the intent of this ICRS to provide for payment by each industrial user, in addition to the already established system of rates and charges currently in effect, of such user's appropriate share of Federal construction grant funds which are allocable to the treatment of industrial wastes by the City. (12347 §1 3/21/79)

949.02 EFFECTIVE DATE

The provisions of this ICRS shall become effective on the first day that any City treatment works assisted with a Federal grant awarded after March 1, 1973 shall become operational. For the purposes of ICRS, treatment works become operational on the day that the City officially accepts the works from the contractor responsible for their construction. (12347 §1 3/21/79)

949.03 DEFINITIONS

In addition to the terms defined in Section 941.02 of the Codified Ordinances of the City of Allentown, the following definitions apply herein:

1. **Expansion** An increase in collection and/or treatment capacity.
2. **Infiltration** The water entering a sewer system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
3. **Inflow** The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catchbasins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.
4. **Industrial Cost Recovery (ICR)** Recovery by the City from the industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users pursuant to Section 204 (b) of Public Law 92-500 as amended and subsequent regulations.
5. **Industrial Cost Recovery Period** That period during which the Federal grant amount allocable to the treatment of wastes from industrial users shall be recovered from industrial users of the City sewer system, a period of thirty (30) years from the first day that each such grant-assisted treatment works shall become operational (or, the useful life of the treatment works in the event that such useful life is less than thirty (30) years).
6. **Industrial User** (This definition is contingent on EPA's eventual finalization of ICR regulations pursuant to the 1977 Amendments to PL 92-500. As of September 27, 1978, the definition is as follows:

- a. Any nongovernmental nonresidential user of treatment works owned by the City which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification

Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- i. Division A: Agricultural Forestry and Fishing;
 - ii. Division B: Mining;
 - iii. Division D: Manufacturing;
 - iv. Division E: Transportation, Communications, Electric, Gas, and Sanitary Services; and
 - v. Division I: Services. (For the purposes of Industrial Cost Recovery this definition of industrial user applied regardless of how a user is classified for other purposes; e.g., commercial or public.)
- b. Any nongovernmental user of treatment works owned by the City, which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

7. Sanitary Wastes Wastes of substantially such origin and strength as those typically produced in households, including wastes from sanitary conveniences. Also called Domestic Wastes and sometimes Primarily Segregated Domestic Wastes.

8. Process Wastewater Liquid wastes from industrial processes, such as cooling water or water which has come in contact with an end-product or with materials incorporated in an end-product; distinct from domestic or sanitary wastes.

9. Substantial Change For the purposes of ICR, any change in strength, volume or delivery flow rate, which the Business Administrator considers to be substantial. Changes in characteristics which cause a ten (10%) percent change in the annual ICR charge may be presumed to be substantial.

10. Upgrading An increase in the degree of treatment. (12347 §1 3/21/79)

949.04 APPLICATION

A. ICR applies to all process wastewater introduced by industrial users to the City sewerage system.

B. To the extent that an industrial user introduces sanitary or domestic wastes to the City sewerage system, such user shall be excluded from the operation of this ICRS.

C. Throughout the implementation and operation of this ICRS, the City must determine which users are classified as industrial users for the purposes of ICR. This determination shall be based on actual knowledge of the type of industry, the wastewater volumes and characteristics and reasonable presumption of no discharges identified in Section 949.03 (f) (2).

D. For the purposes of determining which of the users discharge more than 25,000 gpd of equivalent sanitary wastes, the City shall exclude domestic wastes or discharges from sanitary conveniences. The exclusion shall be computed in the same manner as the exclusion incorporated in the ICR charge formula set forth in Section 949.07 of this Article.

After applying the sanitary waste exclusion, discharges in the above divisions listed in Section 949.03 (f) that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged by "normal" users as defined in Section 949.05 (c).

E. For the purposes of this ICRS, the following users are defined as discharging primarily segregated domestic wastes and are excluded from the operation of this ICRS:

- 1. Veterinary services (SIC: 0741, 0742)
- 2. Coin-operated laundromats (SIC: 7215)
- 3. Beauty and/or barber shops (SIC: 723, 724)

4. Hospitals and other health care centers or clinics, and offices associated with health services (SIC: 80, excluding 8071, 8072.)

5. Museums, botanical and zoological gardens (SIC: 84).

6. Office buildings. (12347 §1 3/21/79)

949.05 INDUSTRIAL USER CLASSIFICATION AND MONITORING

A. All industrial users subject to the operation of this ICRS shall be classified as "Exceptional" or "Normal". An "Exceptional" user is one who discharges waste stronger than any of the following:

1. 300 milligrams per liter of five-day bio-chemical oxygen demand (BOD5)
2. 360 milligrams per liter of suspended solids (SS)
3. 85 milligrams per liter of total Kjeldahl nitrogen (TKN)

B. All industrial users who are classified as "Exceptional" also are subject to Section 941.04 (e) of the Codified Ordinances of the City of Allentown, which provides for a surcharge for pollutant concentrations in excess of these limits. The monitoring under this ICR system and the sampling for waste surcharge shall be the same. For reference only, the following provision, which is set forth in Section 941.04 (e), is repeated here:

"In order to ascertain the strength of every industrial waste requiring a surcharge, the City shall cause appropriate sampling and analyses to be made four (4) times each year. Said appropriate sampling shall consist of seven (7) twenty-four (24) hour composite samples taken every day for seven (7) consecutive days. Results of each analysis shall be used to establish the surcharge for the particular quarter during which the particular sample is taken and quarterly billings shall be made by the City."

The ICR charge shall be computed based on the concentrations found in this sampling program.

C. All other industrial users, may be monitored on a random basis, as the City deems appropriate or at the user's request. The wastewater characteristics for "normal" users shall be assumed to be 150 milligrams per liter of five-day biochemical oxygen demand, 150 milligrams per liter of suspended solids, and 30 milligrams per liter of total Kjeldahl nitrogen, unless the City determines, based on actual monitoring, the specific concentrations of pollutants for a particular "normal" user. (12347 §1 3/21/79)

949.06 COMPUTATION OF INDUSTRIAL COST RECOVERY PAYMENTS

A. During the ICR 30 year recovery period, each industrial user shall pay for its share of the total amount of Federal grant funds, including amendments to grants, which are allocable to capacity used or reserved for use in the treatment of its process wastewater. The payment for each industrial user shall be computed in accordance with the formula set forth in Section 949.07 of this Article. The average daily poundage of BOD5, suspended solids and total Kjeldahl nitrogen, to be used in said formula, will be based on either the concentrations of pollutants found during actual monitoring or the assumed concentrations for "normal" users. Section 949.05 of the Article sets forth user classification and monitoring.

B. For any industrial user which discharges into the City system of wastewater treatment works subject to this ICRS, the ICR charges for such user shall accrue from the date of the user's initial discharge into the City system or the effective date of this ICRS, whichever occurs later, and shall continue to accrue for the unexpired portion of the ICR period or until the user ceases to use the City system, whichever occurs first.

C. If there is a substantial change in the strength, volume, or delivery flow rate of wastewater introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly, when the City has made such a determination. If any industrial user knows or has reason to believe that a substantial change has occurred in its waste characteristics, it shall report such knowledge to the City department responsible for assessing ICR charges.

D. If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

E. An industrial user's share shall not include any portion of the grant money allocable to capacity not used or not reserved by such user.

F. An industrial user's share shall not include an interest component. (12347 §1 3/21/79)

949.07 INDUSTRIAL COST RECOVERY CHARGE FORMULA

A. Each industrial user's share of the applicable Federal grant amount, is based on that proportion of the design capacity represented by such user's discharge. The annual ICR charge shall be computed by the following formula. For charges applicable to periods of less than one (1) year, all references to "annual" or "year" shall be understood to mean the appropriate period of time.

$ICRC = K(Q-QD) \times cq + (BOD5-BOD5D) \times cBOD5 + (SS-SSD) \times css + (N-ND) \times cn$ where,

ICRC = Cost to be recovered from an industrial user per year.

K = 1.0 or less depending on conditions defined in subsection d.

Q = Gallons of wastewater flow contributed by the user during the year, if K = 1.0. Or, gallons of metered water consumption if K is less than 1.0.

QD = Gallons of wastewater flow that is certified as domestic waste contributed by the user during the year.

cq = The charge for Federal grant costs allocable to hydraulic capacity in dollars per thousand gallons.

BOD5 = The pounds of five-day biochemical oxygen demand contributed by a user during the year.

BOD5D = The pounds of five-day biochemical oxygen demand contributed by the domestic waste component of a user's waste stream during the year.

cBOD5 = The charge for Federal grant costs allocable to BOD5 removal in dollars per pound.

SS = The pounds of suspended solids contributed by a user during the year.

SSD = The pounds of suspended solids contributed by the domestic waste component of a user's waste stream during the year.

css = The charge for Federal grant costs allocable to suspended solids removal in dollars per pound.

N = The pounds of total Kjeldahl nitrogen contributed by a user during the year.

ND = The pounds of total Kjeldahl nitrogen contributed by the domestic waste component of a user's waste stream during the year.

cn = The charge for Federal grant costs allocable to nitrification in dollars per pound of total Kjeldahl nitrogen.

B. The applicable charges are:

cq = \$0.00805 per thousand gallons

cBOD5 = \$0.00407 per pound

css = \$0.00356 per pound

cn = \$0.03590 per pound

C. The average daily wastewater flow and pollutant poundage due to the domestic wastes shall be computed for each industrial user by multiplying the average number of 40-hour per week employees times 35 gallons per day per employee and assuming the following concentrations:

BOD: 150 mg/l

SS: 150 mg/l

TKN: 30 mg/l

D. If wastewater discharge is actually measured by means of a sewage meter or other device acceptable to the City, then K = 1.0 and Q is the measured wastewater flow. If wastewater is not directly measured, then K shall be 0.95 and Q is the metered water consumption, except that the City may agree with a particular industrial user that K will be some other percentage, based on reasonable estimation of water discharged to other systems than the City sewerage system. (12347 §1 3/21/79)

949.08 ADMINISTRATION

The Business Administrator is hereby charged with the administration and enforcement of the provisions of this Article. He is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Article, subject to the provisions of Article 121.05 Rules, Regulations; Approval, Publication and Record, of the Codified Ordinances of the City of Allentown, and to prescribe forms necessary for the administration of this Article. (12347 §1 3/21/79)

949.09 INDUSTRIAL COST RECOVERY BILLING

A. The payment of ICR charges shall be deemed a condition of discharge to the City sanitary sewer system. Industrial Waste Discharge Permits issued by the City pursuant to Section 941.07 of the Codified Ordinances of the City of Allentown, are hereby subjected to ICR. The continuation of existing and the issuance of new permits shall require the agreement by each industrial user to pay his share of ICR, as set forth in this Article.

B. Except as provided in paragraph (d) below the first ICR bills shall be issued to industrial users no later than ten (10) months from the effective date of this ICRS. Thereafter, all industrial users shall be billed on their normal wastewater user charge billing dates, or otherwise, but at least annually, as determined by the Business Administrator.

C. Except as provided in paragraph (d) below failure to pay ICR bills within thirty (30) days of billing shall be subject to the same penalty procedures as apply to the sewer rate charges, as set forth in Section 945.05 of the Codified Ordinances of the City of Allentown. Furthermore, the City may employ those lien procedures as are available for the collection of municipal claims. In addition, the City may institute any action at law or equity or employ any other legal remedy available to it for the collection of the ICR charges.

D. Industrial users shall not be required to pay ICR charges incurred during the period after December 31, 1977 and before July 1, 1970, nor for any period during which a federal moratorium pertaining to the Industrial Cost Recovery System exists pursuant to Federal Law. ICR charges accrued during this period or periods shall be payable by the industrial users in a lump sum by June 30, 1980, or at such time as the federal moratorium is lifted, whichever shall last occur. (12347 §1 3/21/79)

949.10 APPEALS

A. An industrial user or other aggrieved party may appeal to the Hearing Officer, who may be an employee of the City, on the issues of (1) exclusion from operation of this ICRS by reason of contract and/or (2) on the issue of the amount of the ICR assessment with particular regard to flow, five-day bio-chemical oxygen demand, and the concentrations of suspended solids and total Kjeldahl nitrogen.

B. Any existing industrial user may apply within one (1) year of the effective date of this ICRS for exclusion from participation in the ICRS on the basis provided above. New industrial users (those who connect to the City service system after the effective date of this ICRS) shall have one (1) year from the date of their initial connection in which to apply for exclusion. An Application for Exclusion shall include a schematic diagram of the user's production process, waste pretreatment and conveyance systems, and a series of waste strength tests in conformance with City accepted procedures and guidelines which shall be available on request, all such diagrams shall be certified as accurate by an engineer licensed in this Commonwealth. All such test results shall be certified as having been performed in accordance with City accepted procedures and their accuracy shall be certified by a qualified chemist or laboratory located within the Commonwealth of Pennsylvania.

C. Within thirty (30) days after the mailing date of each industrial cost recovery bill, an industrial user who is included within this ICRS may file an Application for Exclusion or an Application for Redetermination of Assessment with the Hearing Officer, but only in the event of a substantial change in quality or quantity of effluent discharge by such user arising subsequent to the last redetermination. Such changes shall be certified by a qualified chemist or laboratory as having occurred and such a chemist or laboratory shall also certify that test indicating the substantial changes aforesaid were conducted in accordance with City accepted procedures.

D. All applications shall set forth the industrial user's name, address, and its City account number along with a brief statement of the reasons it is petitioning and the factual basis for the Application. Applications shall set forth the names of the officers, attorneys, employees, and witnesses who will be appearing before the Hearing Officer. Applications shall be filed with three (3) copies and sent by registered mail to the Hearing Officer at the place for which payment of charges is specified in the industrial cost recovery bill from which the appeal is taken.

E. The Hearing Officer shall notify the Applicant by mail of the time and place for hearing, such notice to be given within thirty (30) days after receipt of any application. The hearing shall be conducted on the Application not less than ten (10) days after mailing of such notice. The hearing shall be held as an informal consultation and conference at which time the Applicant, in person or by counsel, shall present his argument, evidence, data, and proof in connection with the issues submitted. A representative from the City may then present its factual basis for the exclusion or assessment under consideration. The Hearing Officer shall not be bound by the usual rules of evidence but may conduct the hearing in such a manner as in his

judgment will expeditiously and accurately determine the substantial rights of the industrial user and the City. All hearings may be stenographically or electronically recorded. The Hearing Officer shall make findings of fact and recommendations which shall be submitted to the Business Administrator for his decision, the results of which shall be made known to the Applicant.

F. Rehearings may be allowed by the City for good cause shown and the procedure for rehearings shall be substantially the same as delineated in paragraphs 10 (a) through to (e), above.

G. No hearing shall be held and no decision shall be rendered by the City with respect to exclusions sought on the basis of reserved capacity contract executed prior to March 1, 1973. Upon receipt of an Application for Exclusion from industrial cost recovery on this ground, the City shall forward the request and appropriate documentation to the Regional Administrator of the United States Environmental Protection Agency within thirty (30) days. The Regional Administrator will make his determination and the Petitioner will be notified by the City. (12347 §1 3/21/79)

949.11 RESERVED CAPACITY AGREEMENTS

A. Reserved capacity agreement between the City and an industrial user may be established whereby the user shall pay the full ICR payments allocable to the capacity reserved, and, in the event that such an industrial user exceeds its reserved capacity, its full use shall be subject to this ICRS, unless otherwise excluded.

B. If the treatment works are expanded in the future with PL 92-500 grant assistance, an industrial user who has executed a reserved capacity agreement and has made ICR payments based upon reserved capacity, will not incur additional ICR charges associated with the cost of expansion until the industrial user's actual use of the treatment works exceeds its reserved capacity.

C. Nevertheless, such industrial users shall be required to pay any additional ICR charges associated with the cost of upgrading a treatment works.

D. An industrial user may terminate or modify, with the consent of the City, any agreement for reserved capacity; thereafter its ICR payments shall cease or be modified, to the extent of the reserved capacity so terminated or modified. (12347 §1 3/21/79)

949.12 DISPOSITION OF INDUSTRIAL COST RECOVERY REVENUE

A. All funds recovered during the annual accounting period, with the exception of the discretionary portion, shall be deposited in interest-bearing accounts which are fully collateralized by obligations of the United States Government or by obligations fully guaranteed as to principal and interest by the United States Government or any agency thereof.

B. Within one (1) year of the effective date of this ICRS, and thereafter at least annually and within four (4) months after the close of the City fiscal year, the City shall transfer to the United States Treasury fifty (50%) percent of all ICR revenues collected during such fiscal year and any interest earned thereon. The City shall retain fifty (50%) percent of the amount recovered from industrial users, and shall use these funds as follows:

1. A portion of the amounts which the City retains may be used to pay the incremental costs of administration of the industrial cost recovery system. The incremental costs of administration are those costs remaining after deducting all costs reasonably attributable to the administration of the user charge system. The incremental costs shall be segregated from all other administrative costs of the City.

2. A minimum of eighty (80%) percent of the amounts the City retains after paying the incremental costs of administration, together with any interest earned shall be placed in an industrial cost recovery account entitled "Expansion and Upgrading Account." Funds in this Expansion and Upgrading Account shall be expended only for replacement or expansion of grant-assisted treatment works and shall not be spent without prior written approval of the Environmental Protection Agency's Regional Administrator.

3. The remainder of the amounts retained by the City are discretionary and shall be used in the Sewer Fund for such uses as the City shall deem proper, except it shall not be used for the construction of industrial pretreatment facilities or rebates to industrial users for costs incurred by such users in complying with Federal user charge or industrial cost recovery requirements. (12347 §1 3/21/79)

949.13 PARTIAL INVALIDITY

If any one or more sections, sentences or parts of this ICRS shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this ICRS in one or more instances or

circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance. (12347 §1 3/21/79)

SECTION 4.0

SEWAGE FACILITIES PLANNING MODULE COMPONENT 4

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

SECTION 4.1

4A – MUNICIPAL PLANNING AGENCY REVIEW

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

INSTRUCTIONS FOR COMPLETING COMPONENT 4A MUNICIPAL PLANNING AGENCY REVIEW

Remove and recycle these instructions prior to mailing component to the approving agency.

Background

This component, Component 4, is used to obtain the comments of planning agencies and/or health departments having jurisdiction over the project area. It is used in conjunction with other planning module components appropriate to the characteristics of the project proposed.

Who Should Complete the Component?

The component should be completed by any existing municipal planning agency, county planning agency, planning agency with areawide jurisdiction, and/or health department having jurisdiction over the project site. It is divided into sections to allow for convenient use by the appropriate agencies.

The project sponsor must forward copies of this component, along with supporting components and data, to the appropriate planning agency(ies) and health department(s) (if any) having jurisdiction over the development site. These agencies are responsible for responding to the questions in their respective sections of Component 4, as well as providing whatever additional comments they may wish to provide on the project plan. After the agencies have completed their review, the component will be returned to the applicant. The agencies have 60 days in which to provide comments to the applicant. If the agencies fail to comment within this 60 day period, the applicant may proceed to the next stage of the review without the comments. The use of registered mail or certified mail (return receipt requested) by the applicant when forwarding the module package to the agencies will document a date of receipt.

After receipt of the completed Component 4 from the planning agencies, or following expiration of the 60 day period without comments, the applicant must submit the entire component package to the municipality having jurisdiction over the project area for review and action. If approved by the municipality, the proposed plan, along with the municipal action, will be forwarded to the approving agency (Department of Environmental Protection or delegated local agency). The approving agency, in turn, will either approve the proposed plan, return it as incomplete, or disapprove the plan, based upon the information provided.

Instructions for Completing Planning Agency and/or Health Department Review Component

Section A. Project Name

Enter the project name as it appears on the accompanying sewage facilities planning module component (Component 2, 2m, 3, 3s or 3m).

Section B. Review Schedule

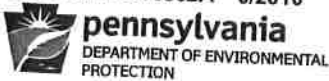
Enter the date the package was received by the reviewing agency, and the date that the review was completed.

Section C. Agency Review

1. Answer the yes/no questions and provide any descriptive information necessary on the lines provided. Attach additional sheets, if necessary.
2. Complete the name, title, and signature block.

Section D. Additional Comments

The Agency may provide whatever additional comment(s) it deems necessary, as described in the form. Attach additional sheets, if necessary.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

DEP Code #:

2-39001218-3

SEWAGE FACILITIES PLANNING MODULE
COMPONENT 4A - MUNICIPAL PLANNING AGENCY REVIEW

Note to Project Sponsor: To expedite the review of your proposal, one copy of your completed planning module package and one copy of this *Planning Agency Review Component* should be sent to the local municipal planning agency for their comments.

SECTION A. PROJECT NAME (See Section A of instructions)

Project Name _____

City Place _____

SECTION B. REVIEW SCHEDULE (See Section B of instructions)

1. Date plan received by municipal planning agency 8/13/20192. Date review completed by agency 8/13/2019

SECTION C. AGENCY REVIEW (See Section C of instructions)

Yes No

1. Is there a municipal comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101, *et seq.*)?

2. Is this proposal consistent with the comprehensive plan for land use?

If no, describe the inconsistencies _____



3. Is this proposal consistent with the use, development, and protection of water resources?

If no, describe the inconsistencies _____



4. Is this proposal consistent with municipal land use planning relative to Prime Agricultural Land Preservation?



5. Does this project propose encroachments, obstructions, or dams that will affect wetlands?

If yes, describe impacts _____



6. Will any known historical or archaeological resources be impacted by this project?

If yes, describe impacts _____



7. Will any known endangered or threatened species of plant or animal be impacted by this project?

If yes, describe impacts PROVIDED THAT WORK IS DONE AS DESCRIBED IN P&C LETTER

8. Is there a municipal zoning ordinance?



9. Is this proposal consistent with the ordinance?

If no, describe the inconsistencies _____



10. Does the proposal require a change or variance to an existing comprehensive plan or zoning ordinance?



11. Have all applicable zoning approvals been obtained?



12. Is there a municipal subdivision and land development ordinance?

SECTION C. AGENCY REVIEW (continued)

Yes

No



13. Is this proposal consistent with the ordinance?

If no, describe the inconsistencies _____



14. Is this plan consistent with the municipal Official Sewage Facilities Plan?

If no, describe the inconsistencies _____



15. Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality?

If yes, describe _____



16. Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision?



If yes, is the proposed waiver consistent with applicable ordinances?

If no, describe the inconsistencies _____

17. Name, title and signature of planning agency staff member completing this section:

Name: DAVID KIMMERLYTitle: CHIEF PLANNERSignature: David KimmerlyDate: 8/13/2019Name of Municipal Planning Agency: ALLENTOWN CITY PLANNING CommissionAddress 435 HAMILTON ST. ALLENTOWN, PA 18101Telephone Number: 610-437-7613**SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)**

This component does not limit municipal planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are needed, attach additional sheets.

The planning agency must complete this component within 60 days.

This component and any additional comments are to be returned to the applicant.

SECTION 4.2

4B – COUNTY PLANNING AGENCY REVIEW

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

**INSTRUCTIONS FOR COMPLETING COMPONENT 4B
COUNTY PLANNING AGENCY REVIEW
(or Planning Agency with Areawide Jurisdiction)**

Remove and recycle these instructions prior to mailing component to the approving agency.

Background

This component, Component 4, is used to obtain the comments of planning agencies and/or health departments having jurisdiction over the project area. It is used in conjunction with other planning module components appropriate to the characteristics of the project proposed.

Who Should Complete the Component?

The component should be completed by any existing municipal planning agency, county planning agency, planning agency with areawide jurisdiction, and/or health department having jurisdiction over the project site. It is divided into sections to allow for convenient use by the appropriate agencies.

The project sponsor must forward copies of this component, along with supporting components and data, to the appropriate planning agency(ies) and health department(s) (if any) having jurisdiction over the development site. These agencies are responsible for responding to the questions in their respective sections of Component 4, as well as providing whatever additional comments they may wish to provide on the project plan. After the agencies have completed their review, the component will be returned to the applicant. The agencies have 60 days in which to provide comments to the applicant. If the agencies fail to comment within this 60 day period, the applicant may proceed to the next stage of the review without the comments. The use of registered mail or certified mail (return receipt requested) by the applicant when forwarding the module package to the agencies will document a date of receipt.

After receipt of the completed Component 4 from the planning agencies, or following expiration of the 60 day period without comments, the applicant must submit the entire component package to the municipality having jurisdiction over the project area for review and action. If approved by the municipality, the proposed plan, along with the municipal action, will be forwarded to the approving agency (Department of Environmental Protection or delegated local agency). The approving agency, in turn, will either approve the proposed plan, return it as incomplete, or disapprove the plan, based upon the information provided.

Instructions for Completing Planning Agency and/or Health Department Review Component

Section A. Project Name

Enter the project name as it appears on the accompanying sewage facilities planning module component (Component 2, 3, 3s or 3m).

Section B. Review Schedule

Enter the date the package was received by the reviewing agency, and the date that the review was completed.

Section C. Agency Review

1. Answer the yes/no questions and provide any descriptive information necessary on the lines provided. Attach additional sheets, if necessary.
2. Complete the name, title, and signature block.

Section D. Additional Comments

The Agency may provide whatever additional comment(s) it deems necessary, as described in the form. Attach additional sheets, if necessary.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

DEP Code #

2-39001218-3

SEWAGE FACILITIES PLANNING MODULE
COMPONENT 4B - COUNTY PLANNING AGENCY REVIEW
(or Planning Agency with Areawide Jurisdiction)

Note to Project Sponsor: To expedite the review of your proposal, one copy of your completed planning package and one copy of this **Planning Agency Review Component** should be sent to the existing county planning agency or planning agency with areawide jurisdiction for their comments.

SECTION A. PROJECT NAME (See Section A of instructions)

Project Name

City Place

SECTION B. REVIEW SCHEDULE (See Section B of instructions)

1. Date plan received by county planning agency. ----
2. Date plan received by planning agency with areawide jurisdiction August 12, 2019
Agency name Lehigh Valley Planning Commission
3. Date review completed by agency August 13, 2019

SECTION C. AGENCY REVIEW (See Section C of instructions)

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Is there a county or areawide comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101 et seq.)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Is this proposal consistent with the comprehensive plan for land use? <i>See attached Act 247</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Does this proposal meet the goals and objectives of the plan? <i>review letter dated 7/3/19</i>
If no, describe goals and objectives that are not met ---- |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Is this proposal consistent with the use, development, and protection of water resources?
If no, describe inconsistency ---- |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Is this proposal consistent with the county or areawide comprehensive land use planning relative to Prime Agricultural Land Preservation?
If no, describe inconsistencies: ---- |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Does this project propose encroachments, obstructions, or dams that will affect wetlands?
If yes, describe impact ---- |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Will any known historical or archeological resources be impacted by this project? <i>PHMC determined not</i>
If yes, describe impacts ---- |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Will any known endangered or threatened species of plant or animal be impacted by the development project? <i>See PNBI results</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Is there a county or areawide zoning ordinance? |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Does this proposal meet the zoning requirements of the ordinance? <i>N/A</i>
If no, describe inconsistencies ---- |

Yes	No	SECTION C. AGENCY REVIEW (continued)
<input type="checkbox"/>	<input type="checkbox"/>	11. Have all applicable zoning approvals been obtained? <i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Is there a county or areawide subdivision and land development ordinance? <i>Not applicable to City of Allentown</i>
<input type="checkbox"/>	<input type="checkbox"/>	13. Does this proposal meet the requirements of the ordinance? <i>N/A</i> If no, describe which requirements are not met ----
<input type="checkbox"/>	<input type="checkbox"/>	14. Is this proposal consistent with the municipal Act 537 Official Sewage Facilities Plan? <i>See municipal interpretation</i> If no, describe inconsistency ----
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality? If yes, describe ----
<input type="checkbox"/>	<input type="checkbox"/>	16. Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision? <i>N/A</i>
<input type="checkbox"/>	<input type="checkbox"/>	If yes, is the proposed waiver consistent with applicable ordinances. If no, describe the inconsistencies ----
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Does the county have a stormwater management plan as required by the Stormwater Management Act?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, will this project plan require the implementation of storm water management measures?
18. Name, Title and signature of person completing this section:		
Name: <u>Susan L. Rockwell</u>		
Title: <u>Senior Environmental Planner</u> Signature: <u><i>S. L. Rockwell</i></u>		
Date: <u>August 13, 2019</u>		
Name of County or Areawide Planning Agency: <u>Lehigh Valley Planning Commission</u>		
Address: <u>961 Marcon Blvd, Suite 310, Allentown PA 18109</u>		
Telephone Number: <u>610-264-4544</u>		
SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)		
This Component does not limit county planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are needed, attach additional sheets.		
The county planning agency must complete this Component within 60 days.		
This Component and any additional comments are to be returned to the applicant.		



Lehigh Valley Planning Commission

STEPHEN REPASCH
Chair

GREG ZEBROWSKI
Vice Chair

STEVEN GLICKMAN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

July 3, 2019

Mr. David Kimmerly, Chief Planner
City of Allentown
435 Hamilton Street
Allentown, PA 18101

**RE: City Place – Land Development
City of Allentown
Lehigh County**

Dear Mr. Kimmerly:

The subject application proposes to convert an existing hotel and conference center into a two-building apartment complex with ground floor office and retail. The project is located at Ninth Street and Hamilton Streets (Parcel number 641718256152). This proposal is consistent with the County Comprehensive Plan.

Our review does not include an in-depth examination of the plan relative to subdivision design standards or ordinance requirements since these items are covered in the municipal review.

In order to better meet the needs of all involved, the LVPC is now requiring an appointment for plan signings. Please call the office and ask for a Community Planning staff person. Generally, your appointment will be within two business days.

Sincerely,

Jillian Seitz
Senior Community Planner

cc: Craig Messinger, City of Allentown
Paul Anthony McNemar, PE, RETTEW