

BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS,
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 1286

AN ORDINANCE AMENDING CHAPTER 18, SEWER, AND SEWERAGE DISPOSAL RATES OF THE CODE OF
ORDINANCES OF THE BOROUGH OF EMMAUS, PENNSYLVANIA FOR THE FISCAL YEAR 2026

WHEREAS, it is the duty of Borough Council to set sewer and sewer disposal rates each year based on the expected costs of sewage disposal for the Borough of Emmaus; and

WHEREAS, Borough Council may be required to pay for upgrades to the WWTP and sewer lines by virtue of agreements with the City of Allentown (now being operated by the Lehigh County Authority as a concessionaire); and

WHEREAS, the Borough of Emmaus must upgrade and make repairs to the sewer lines located within the Borough and the interceptor; and

WHEREAS, the United States Environmental Protection Agency established a Consent Order, Docket No. CWA-03-2009-0313DN Order of September 28, 2009, mandating that all municipalities in the Allentown Sewer Collection System separate all stormwater and groundwater from entering into the sewerage collection system, later relinquishing the mandate to PA DEP to enforce; and

WHEREAS, when EPA withdrew the Order, the agency authorized the Pennsylvania Department of Environmental Protection to implement its own Consent Order against municipalities to address the same issues; and

WHEREAS, to meet the requirements of the Order and mandates, municipalities are being forced to spend millions of dollars in repairing infrastructure within each municipality as well as within the Allentown City Sewer Collection and Processing System, including but not limited to the sewer plant at Klines Island; and

WHEREAS, it is the desire of Emmaus Borough Council to properly prepare for the significant costs that will be incurred as a result of the Administrate Consent Order, deficiencies in the collection system, and repair any and all significant issues within the system, and to prepare for the future debt services needed to address the deficiencies in the system as well as for the upgrades to the Klines Island sewer plant; and

WHEREAS, the Borough increased rates in 2023 with anticipated increases in the future to meet the requirements and demands to improve infrastructure across the sewer collection and processing system; and

WHEREAS, the Borough utilizes a specialized consultant and software program to assist with the determination of sewage rates, based on the future demand of the system, the requirements to meet the Administrative Order, and future capital costs; and

WHEREAS, the Lehigh County Authority and City of Allentown have recently released the

estimated costs to the improvements to the Klines Island Sewer System and the tributaries, mains, and other infrastructure needs associated with the system; and

WHEREAS, the predicted cost of the project is approximately \$380 million, with the Borough's proposed share to top \$18.7 million; and

WHEREAS, in addition to being required to pay a certain share of this cost, the Borough is also required to conduct significant infrastructure repairs in 2026, including significant infrastructure repairs to the area leading to Meter # 4 on the western side of the community; and

WHEREAS, these capital projects and continuously increasing operations costs require increased revenue; and

WHEREAS, because the Lehigh County Authority has delayed the large infrastructure project by one year, it is the position of Emmaus Borough Council to freeze sewer rates for 2026.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Emmaus hereby ordains as follows:

SECTION I. Chapter 18, Part 2, Section 203. Computation of Sewer Rentals and Charges is hereby amended to read as follows:

Section 203. Computation of Sewer Rentals and Charges.

1. Effective with the first billing as of January 1, 2026, the sewer rental charge shall be as follows:

	<u>Per Quarter</u>
Per connection	\$30.00
Per each 1,000 gallons	\$4.25

2. Effective with the first billing as of January 1, 2017, the Borough of Emmaus established a "Reserve Fund" for purposes of significant structural repairs to the sewer collection and processing system, including but not limited to, potentially the Allentown WWTP, the Emmaus Interceptor, as well as significant structural repairs to Borough of Emmaus sewer lines and manholes.

- A. The Reserve Fund shall be used exclusively for the purposes of significant structural repairs of the sewer collection and processing system and shall not be utilized to balance the Sewer Fund Budget. This provision may only be changed by a superseding Ordinance. It is the intention of Council that this fund shall remain restricted to the above-mentioned uses only and funds may not be borrowed or shifted from said fund even on a temporary basis except by a superseding Ordinance.
- B. The Reserve Fund shall be shown as a separate line item on quarterly sewer bills to all customers and shall be labeled in such a way that it is clearly identified.
- C. The Reserve Fund Rate for 2026 shall be calculated based on the size of the water meter at each address as follows and shall be billed with quarterly bills:

<u>Water Meter Size:</u>	<u>Per Quarter:</u>
5/8" & 3/4"	\$22.00
1"	\$28.00
1 1/2"	\$45.00
2"	\$67.00
3" and beyond	\$90.00

3. Any future rate increases may be passed by Resolution or Ordinance of Borough Council.
4. Nothing herein shall be construed as an admission of future responsibility for charges to the Allentown WWTP as the same are governed by a 1959 Agreement (and subsequent agreements) with Allentown.

SECTION II. All prior or existing Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED AND ENACTED that all existing Ordinances of the Borough or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED AND ENACTED that if any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

DULY ADOPTED this 15th day of December 2025 by the Emmaus Borough Council in lawful session duly assembled.



SHANE M. PEPE
Borough Manager



CHAD BALLIET
Borough Council President

AND NOW, this 15th day of December 2025, the above **ORDINANCE** is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.



LEE ANN GILBERT, MAYOR
Borough of Emmaus