

RESOLUTION NO. 5541

A RESOLUTION ADOPTING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR SANITARY SEWER SERVICE BETWEEN THE CITY OF ALBANY AND THE CITY OF MILLERSBURG.

WHEREAS, each party is a municipal corporation under the laws of the State of Oregon that plans and provides essential public services for present and future users; and

WHEREAS, the City of Millersburg has contracted with the City of Albany for wastewater treatment, operation, and maintenance of the City of Millersburg's public sewer facilities through the Intergovernmental Sanitary Sewer Service Agreement between the City of Albany and the City of Millersburg dated December 18, 1996, adopted by Resolution No. 3727; and

WHEREAS, the City of Millersburg and the City of Albany agree that periodically the service agreement shall be reviewed and updated; and

WHEREAS, the City of Millersburg and the City of Albany have executed an Intergovernmental Agreement for Wastewater Treatment Facilities through City of Albany Resolution No. 5463 that provides for a cooperative joint venture for expansion, operation, and maintenance of the Davidson Street Wastewater Treatment Plant; and

WHEREAS, the Intergovernmental Agreement for Wastewater Treatment Facilities permits Millersburg to discharge industrial process wastewater to the Davidson Street Wastewater Treatment Plant, but does not become effective until the Davidson Street Wastewater Treatment Plant becomes fully operational; and

WHEREAS, the Davidson Wastewater Treatment Plant is not anticipated to be fully operational until July 1, 2009; and

WHEREAS, the City of Millersburg has an immediate need to serve industrial development and provide industrial wastewater service; and

WHEREAS, both parties recognize the City of Albany is authorized by the Oregon Department of Environmental Quality (hereafter referred to as "DEQ") to implement and enforce an industrial pretreatment program to control industrial waste under 40 CFR Part 403; and

WHEREAS, both parties recognize the need to comply with the DEQ's requirements with respect to the form and substance of this Intergovernmental Agreement; and

WHEREAS, DEQ has reviewed and formally approved the Intergovernmental Agreement for Wastewater Treatment Facilities Agreement; and

WHEREAS, DEQ must review and approve this amendment to the Intergovernmental Agreement for Sanitary Sewer Service between the City of Albany and the City of Millersburg before it becomes effective; and

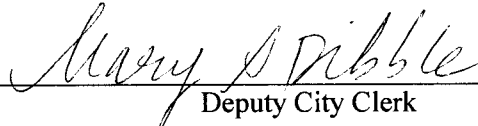
WHEREAS, Section IV, Industrial Pretreatment, of Intergovernmental Sanitary Sewer Service Agreement between the City of Albany and the City of Millersburg delegates pretreatment authority and responsibility for the City of Millersburg to the City of Albany.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein: Section III.A, Limitations On Sewer Discharge, of the Intergovernmental Sanitary Sewer Service Agreement between the City of Albany and the City of Millersburg dated December 18, 1996, is amended by this resolution to read as follows: "The City of Millersburg is allowed to discharge domestic, commercial, and industrial process wastewater subject to and bound by all City of Albany pretreatment program requirements currently in force and that may be adopted by the City of Albany in the future to address federal, state, and local requirements."

DATED AND EFFECTIVE THIS 9TH DAY OF JANUARY 2008.


Council President

ATTEST:


Deputy City Clerk