

Date: October 28, 2025
YORK COUNTY STORMWATER CONSORTIUM
For Implementation of the
York County Regional Chesapeake Bay Pollutant Reduction Plan

MEMORANDUM

To: Board of Supervisors / Township Manager — Newberry Township

From: Pam Shellenberger, YCSWC Administrator
Kipp Allison, YCSWC Chair

Re: Intergovernmental Cooperation Agreement Amendment #3

Date: June 27, 2025

Thank you for your on-going participation in the York County Stormwater Consortium (YCSWC) to implement the Regional Chesapeake Bay Pollutant Reduction Plan (CBPRP). We continue to believe that the Consortium has been, and continues to be, effective for all involved.

On May 18, 2024, PA DEP gave notice that it is extending the existing MS4 Permits until the Permit is reissued to adequately address issues related to reissuance of the Permit. Then, on January 18, 2025, PA DEP published draft MS4 Permit documents for review and comment, but has not yet published responses to the comments, as required. Thus, **the timeline for reissuance of the Permit and preparation of the required plan to meet new Permit requirements remains unknown.**

As such, the YCSWC Management Committee is requesting that participating municipalities amend Section 9.a. of the Agreement to **extend the Agreement term from December 31, 2025, to December 31, 2030.** This will provide ample time to complete and submit the final MS4 report for the existing Regional CBPRP (due September 2026) and close out funded project contracts. Additionally, it should provide sufficient time to prepare the “new” plan, have the “new” plan approved by DEP, and develop a fee schedule to implement the “new” plan.

This Amendment to extend the Agreement Term to December 31, 2030, will not result in any additional financial obligations. A subsequent amendment will be necessary to address the reissued Permit requirements, including a “new” plan and the fee schedule to implement it. Until that time, all participants have paid in full.

Per Section 9.b. of the Agreement, participating jurisdictions may extend the term of the Agreement by resolution. The accompanying Resolution and Amendment were drafted with the assistance of Attorney Jeff Rehmyer at CGA Law. **If the municipal governing body is amenable to extending the term of the Intergovernmental Cooperation Agreement to December 31, 2030, we would ask that your municipality proceed by approving the attached Resolution, which would then allow for the attached Amendment to be signed.** After both are executed, please return a copy of each to Pam Shellenberger, by electronic mail (pshellenberger@ycpc.org) or regular mail (York County Planning Commission, 28 East Market Street, York, PA 17401).

Should you have questions, please feel free to contact Kipp (kallison@windsortownship.com) or Pam (pshellenberger@ycpc.org).

(Newberry Township)
YORK COUNTY, PENNSYLVANIA

RESOLUTION No. 2025-36

**RESOLUTION TO EXTEND THE TERM OF THE AMENDED AND RESTATED
INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE
IMPLEMENTATION OF THE
YORK COUNTY REGIONAL CHESAPEAKE BAY
POLLUTANT REDUCTION PLAN**

WHEREAS, the Municipality is party to an Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan dated as of December 8, 2020 (the “Agreement”); and

WHEREAS, the MS4 PAG-13 under which a Chesapeake Bay Pollutant Reduction Plan is a requirement, was originally set to expire on March 15, 2023; and

WHEREAS, the PA Department of Environmental Protection gave notice in the September 24, 2022, PA Bulletin that it is extending the existing PAG-13 Permit for 24 months to March 15, 2025, to adequately address issues related to the renewal of PAG-13; and

WHEREAS, the PA Department of Environmental Protection gave notice in the May 18, 2024, PA Bulletin that it is extending the existing PAG-13 Permit until PAG-13 is reissued to adequately address issues related to the reissuance of PAG-13; and

WHEREAS, Section 9.a. of the Agreement, as amended in 2023, stipulates that the term of the Agreement ends on December 31, 2025; and

WHEREAS, the Parties desire to extend the term of the Agreement to cover the additional time period for submitting the York County Regional Chesapeake Bay Pollutant Reduction Plan Final Report; for the PA Department of Environmental Protection to reissue PAG-13, and for the York County Stormwater Consortium to develop any plan required by the reissued PAG-13 and prepare cost scenarios to implement the plan; and

WHEREAS, this Amendment will not result in any additional fees to be paid by the Participants;

NOW, THEREFORE, be it resolved as follows:

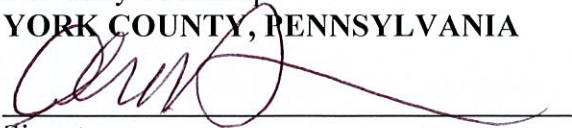
SECTION 1: Term. The Term of this Agreement shall be amended such that it shall end on December 31, 2030, in accordance with the Amendment attached as Exhibit "A," and incorporated by reference herein. All Participants approving this Amendment may participate for such time period, unless the Participant opts out or is terminated prior to the end thereof.

SECTION 2: Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED AND ORDAINED this 28th day of October, 2025.

WITNESS/ATTEST:


Signature


Newberry Township
YORK COUNTY, PENNSYLVANIA

Signature

Aaron Schwartz / Secretary
Print Name/Title

By: Diane Shellenbarger
Print Name/Title
Chair

Amendment authorized by Resolution No. 2025-36, passed at a meeting of the governing body on 28th day of October, 2025.



CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the Township of Newberry, York County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of a Resolution of the Board of Supervisors of the Township which was duly enacted by 4 to 0 affirmative vote majority of the members of the Board of Supervisors of the Township, at a regular meeting held on October 28, 2025, that said Resolution has been recorded in the Resolution Book of the Township; that said Resolution was duly published as required by law; and that said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township on this 28th day of October, 2025.



Aaron Schwartz, Secretary