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H. J.

AN AGREEMENT, made the 5<sup>th</sup> day of MARCH, 1973, between  
THE CITY OF BINGHAMTON, a municipal corporation in the County of Broome  
and State of New York, and the VILLAGE OF JOHNSON CITY, a municipal corpor-  
ation of the County of Broome and State of New York.

WITNESSETH, as follows:

The parties hereto mutually agree as follows:

WHEREAS, The City of Binghamton (hereinafter referred to as the  
"City") and the Village of Johnson City (hereinafter referred to as the  
"Village") pursuant to Article 5G of the General Municipal Law, established  
a joint sewage project by agreement dated July 14, 1965, known as "Agreement  
No. 1" and this project is administered by a board established by such agree-  
ment and known as Binghamton-Johnson City Joint Sewage Board (hereinafter  
referred to as the "Board"), and

WHEREAS, the City and Village entered into another agreement dated  
December 7, 1967, entitled, "Agreement No. 2 Binghamton-Johnson City Joint  
Sewage Project", and

WHEREAS, the parties hereto are desirous of providing for a sur-  
charge for certain wastes that was not provided for in the said agreement  
No. 2 of December 7, 1967,

NOW, THEREFORE, in consideration of the mutual promises and cove-  
nants of the parties hereto, it is mutually covenanted and agreed that the  
said agreement No. 2 dated December 7, 1967, between the City of Binghamton  
and the Village of Johnson City be and the same is amended as follows:

1. Paragraph 8 of the said agreement is hereby amended by adding  
the following subparagraph I to it:

"I. Surcharge for wastes with strength in excess of the normal  
standards of 300 parts per million Suspended Solids and 240 parts per million  
of BOD. Surcharge shall be based on average unit cost per pound chargeable  
to BOD and Suspended Solids. Unit costs shall be determined by dividing  
Annual Debt Service Costs and Annual Operations and Maintenance Costs

attributable to BOD or Suspended Solids by the respective annual plant load.

Costs attributable to BOD and Suspended Solids shall be based on the following allocation of cost:

1) Debt Service	Flow	50%
	Suspended Solids	11%
	BOD	39%

2) Treatment Plant Operation and Maintenance costs

Flow	20%
Suspended Solids	24%
BOD	56%

Average unit cost as defined above shall be applied in accordance with the following surcharge formula:

$$\text{Daily Surcharge: } 8.33 Q_i (C_{\text{BOD}} (\text{BOD}_i - 240) + C_{\text{SS}} (\text{SS}_i - 300))$$

$Q_i$  = flow from surcharged user in million gallons per day

$\text{BOD}_i$  = raw waste BOD in surcharged user discharge in parts per million

$\text{SS}_i$  = raw waste Suspended Solids in surcharged user discharge in parts per million

$C_{\text{BOD}}$  = average unit cost attributable to BOD in dollars per pound

$C_{\text{SS}}$  = average unit cost attributable to Suspended Solids in dollars per pound.

The Board shall, with the approval of the municipal user, be empowered to perform all tests necessary to establish the effluent characteristics of facilities located within the geographical boundaries of the municipal user for the purpose of determining whether a surcharge should be imposed on said facilities.

Should a facility default in payment of any surcharge imposed by the Board for more than thirty (30) days after such surcharge is due and payable, then and in such event the Board shall have the right to refuse to accept further sewage for treatment from said facility until such surcharge is paid by said facility.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

ATTEST:

*Paul A. Lisi*  
City Clerk

THE CITY OF BINGHAMTON

By *W. L. L. L.*  
Mayor

ATTEST:

*Frank J. Sweet*

VILLAGE OF VANHOESKOP CITY

By *Michael E. Serrich*  
Mayor

STATE OF NEW YORK :  
COUNTY OF BROOME : ss:  
CITY OF BINGHAMTON :

On this 2<sup>nd</sup> day of MARCH, 1972, before me the undersigned, personally appeared, ALFRED J. LIBOUS, who being by me duly sworn deposes and says: That he is the Mayor of the City of Binghamton, the municipal corporation named in and which executed the above instrument; that he knows the seal of said City, and that the seal affixed to said instrument is such corporate seal and that it was so affixed by order of the Council of said City, and that he signed his name thereto by like order.

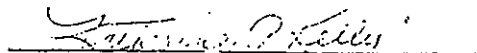
And on the same day before me personally appeared EDITH C. LISI, City Clerk of said corporation, who being by me duly sworn did depose and say that she is the City Clerk of the City of Binghamton; that she knows the seal of said city and that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of said Council; that the said ALFRED J. LIBOUS is Mayor of said City and that the signature on said instrument is the signature of said ALFRED J. LIBOUS as Mayor.

  
Notary Public.

STATE OF NEW YORK :  
COUNTY OF BROOME : ss:  
VILLAGE OF JOHNSON CITY:

On this 3<sup>rd</sup> day of MARCH, 1973, before me the undersigned, personally appeared MICHAEL R. SAUCH, who being by me duly sworn deposes and says: That he is the Mayor of the Village of Johnson City, the municipal corporation named in and which executed the above instrument; that he knows the seal of said Village, and the seal affixed to said instrument is such corporate seal and that it was so affixed by order of the Board of said Village, and that he signed his name thereto by like order.

And on the same day before me personally appeared FRANK V. SWEET Village Clerk of said corporation, who being by me duly sworn did depose and say that he is the Village Clerk of the Village of Johnson City; that he knows the seal of said Village and that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of said Board; that the said MICHAEL R. SAUCH is Mayor of said Village and that the signature on said instrument is the signature of as Mayor.

  
Notary Public.

KATHERINE P. KELLY  
Notary Public, State of New York  
No. 047218870  
Residing in Broome County  
My commission expires March 30, 1974