

ORDINANCE NO. 2008-07

**TOWNSHIP OF NORTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH MIDDLETON TOWNSHIP ESTABLISHING VARIOUS AMENDMENTS AND MODIFICATIONS OF THE NORTH MIDDLETON TOWNSHIP PRETREATMENT PROGRAM; AND PROVIDING FOR REPEAL OF ALL INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors in and for the Township of North Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1: PREAMBLE AND BACKGROUND

On the 16th day of April, 1991, the Board of Supervisors of North Middleton Township enacted Ordinance No. 2 of 1991, which established a Waste Water Pretreatment Program known as "North Middleton Township Pretreatment Program". On the 16th day of November, 1993, the Board of Supervisors of North Middleton Township enacted Ordinance No. 2 of 1993 which provided various amendments to the North Middleton Township Pretreatment Program. On December 19, 2000, the Board of Supervisors of North Middleton Township enacted Ordinance No. 8 of 2000 which provided various amendments to North Middleton Township Pretreatment Program. Because of various changes in requirements of superior authorities and because of the change of name from the Carlisle Suburban Authority to North Middleton Authority, it is necessary to again modify and amend the North Middleton Township Pretreatment Program, and this Ordinance is intended to effect such changes and modifications.

SECTION 2: AMENDMENTS TO PRETREATMENT PROGRAM

The North Middleton Township Pretreatment Program, as amended, is further amended as follows:

- A. Section 2 [Definitions] is amended by the insertion of the following terms with definitions therein:

Best Management Practices (BMP) — means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent violation of the prohibitions listed in Section 8.4 of the Program. BMP's include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's also include alternative means (i.e. management plans) of complying with or in place of certain established categorical pretreatment standards and effluent limits.

Control Authority - For situations where waste water flows into treatment facilities owned by the Borough of Carlisle, the Control Authority shall be the Borough of Carlisle. As relating to wastewater that flows into treatment facilities owned by North Middleton Authority, the Control Authority shall be North Middleton Authority and/or North Middleton Township.

- B. Section 5 is amended by the insertion, in proper numerical and alphabetical sequence, of the following provisions therein:

5.1(3). Slug Discharge Control The POTW or Director shall evaluate whether each SIU needs a slug control plan or other action to control slug discharges. For SIU's identified prior to November 14, 2005, the evaluation must have been conducted at least once by October 14, 2006. Additional SIU's must be evaluated within 1 year of being designated a Significant Industrial User (SIU). The director may require any SIU to develop, submit for approval, and implement such a plan, or take other action that may be necessary to control slug discharges. Additionally, the Director may develop such a plan for any SIU.

5.2(5). SIU's are required to notify the Control Authority and the POTW immediately of any changes at its facility affecting potential for a slug discharge or changes affecting wastewater discharge characteristics.

5.3(6)(1). Requirements to control slug discharge(s), if determined by the Director to be necessary.

5.3(9)(c). For sampling in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for which historical sampling data does not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum.

5.3(9)(d). SW's may submit pretreatment reports electronically to meet the requirements of this section provided the requirements set forth by the Director are met.

- B. The following provisions of Section 5 are amended to state in their entirety as indicated:

5.3(6)(b). Limits on the average and maximum constituents and characteristics of such Wastewater, including Best Management Practice requirements based on applicable pretreatment standards.

5.3(9)(b). Periodic Compliance Reports: All SIU's subject to any National, State, or local Pretreatment Standard or Requirement, after the date established for compliance with such Standard or Requirement, or in the case of a change in activity, process, or Wastewater after first discharging such Wastewater into the POTW, shall submit to the Director and to the municipality in which such SIU's are located, during the months of June and December unless required more frequently by such Standard or Requirement or by the Director, a report describing the nature and concentration of all Pollutants in the effluent of such Wastewater which are limited by such Standard or Requirement. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the SIU shall submit documentation and maintain records as required by the Director of the Pretreatment Standard necessary to determine the compliance status of the SIU, Such report shall contain a record of all daily flows which during the period of time covered by such report exceeded the Average Daily Flow of such SRI's Permit. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which such report shall be submitted. The Director may impose mass limitations on any SIU when such SIU is utilizing dilution to achieve

compliance with the applicable National, State, or local Pretreatment Standard or Requirement, or in such other cases when the Director shall determine that the imposition of mass limitations is appropriate. In such cases, such report shall disclose the mass of Pollutants in the effluent of such Wastewater which are limited by such Standard or Requirement, and shall contain the results of sampling and analysis of such Wastewater, including the flow and the nature and concentration, or the production and mass when requested by the director, of such Pollutants, the frequency of which sampling and analysis shall be as prescribed in such Standard or Requirement or by the Director.

5.5 The director may inspect the facilities of any User to ascertain whether the purpose of this Program is being met and all requirements are being complied with. Persons or occupants of any premises where Wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, observation, measurement, sampling, records examination and copying or the performance of any of their duties. All wastewater samples must be representative of the SRI's discharge. The Control Authority, DEP, and EPA shall have the right to install on any User's premises such devices as are necessary to conduct inspection, sampling, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into such User's premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Control Authority, DEP, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

C. The following provision of Section 6 [Enforcement] is amended to state in its entirety as indicated:

6.3. Whenever the Director determines that any User has violated or is violating this Program or any prohibition, limitation, or requirement contained or referred to herein, the Director shall notice in writing such User indicating the nature of the violation. Within 30 days of the date of such notice, such User shall submit a detailed written plan to the Director and to the municipality in which such User is located describing the measures to be taken by the User to satisfactorily correct the violation. If the Control Authority has performed the sampling and analysis in lieu of the SIU, the Control Authority must perform the repeat sampling and analysis within 30 days unless it notifies the SIU of the violation and requires the SIU to perform the repeat analysis.

D. The following provisions of Section 7 are amended to state in their entirety as indicated:

7.3(2)(a). 1. Chronic violations. Sixty-six percent or more of all measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

7.3(2)(a).2. Technical Review Criteria (TRC) Violation. Thirty-three percent or more of all the measurements taken for the same pollutant parameter during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

7.3(2)(a).3. Any other violation of pretreatment standards or requirements (daily maximum, long term average, instantaneous limit, or narrative) the Director or the POTW determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of POTW personnel or the general public.

7.3(2)(e). Any other violation or series or series of violations including a violation of Best Management Practices that the Director or the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

E. All references to Carlisle Suburban Authority shall be changed to North Middleton Authority.

SECTION 3: SEVERABILITY

If any provision, section, sentence, clause or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not effect any other provision, section, sentence, clause or portion of this Ordinance which shall continue and remain in full force and effect.

SECTION: REPEALER

All prior Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.


SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 2nd day of October, 2008, by the Board of Supervisors of North Middleton Township in lawful session duly assembled.

ATTEST:

TOWNSHIP OF NORTH MIDDLETON:



Township Secretary

By: 

Vice Chairman, Board of Township Supervisors

(TOWNSHIP SEAL)

September 4, 2008

The Sentinel
457 East North Street
P.O. Box 130
Carlisle, PA 17013

Attention: Legal Advertising

Re: North Middleton Township
Proposed Ordinance No. 2008-07
Request for Advertisement/Public Notice

Dear Sir or Madam:

Kindly publish the attached public notice for Proposed Ordinance No. 2008-07 in the legal notice section of The Sentinel on the weeks of September 15, 2008 and September 22, 2008. Please contact my office to verify receipt of this publication. I have included herewith a complete copy of the Proposed Ordinance for your records. Please forward your bill for advertising along with proof of publication of the same directly to:

Ms. Deborah A. Ealer, Township Manager
North Middleton Township
2051 Spring Road
Carlisle, PA 17013

Very truly yours,

Deborah A. Ealer, Manager

Enclosure

Attention: Librarian
Cumberland County Law Library
Cumberland County Courthouse
1 Courthouse Square
Carlisle Pa. 17013

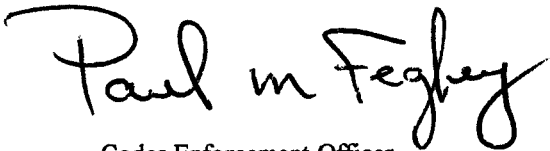
Date: September 4, 2008

RE: Proposed Ordinance #2008-07

Dear Sir or Madam:

Attached you will find a copy of Proposed Ordinance #2008-07. Public hearing for Ordinance #2008-07 will be held October 2nd 2008, at the North Middleton Township Building, at 6:30 pm. Being the current Codes Enforcement Officer and Permit Official, I hereby attest that this is a true and correct copy of the proposed ordinance.

Paul M. Fegley

A handwritten signature in black ink that reads "Paul m Fegley". The signature is written in a cursive style with a large initial "P" and a lowercase "m".

Codes Enforcement Officer
North Middleton Township

PUBLIC NOTICE

The Board of Supervisors of North Middleton Township will hold a hearing to take public comment on proposed Ordinance No. 2008-07 entitled AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING VARIOUS AMENDMENTS AND MODIFICATIONS OF THE NORTH MIDDLETON TOWNSHIP PRETREATMENT PROGRAM AND PROVIDING FOR REPEAL OF ALL INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES during their regularly scheduled Board of Supervisors meeting at 6:30 p.m. on Thursday, October 2, 2008, or any other time which the Public Hearing may be continued by the Board of Supervisors, at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013.

The purpose of the proposed Ordinance is to amend the requirements of the North Middleton Township Pretreatment Program to address the various changes to pretreatment requirements for wastewater pursuant to DEP and EPA regulations.

At the conclusion of the public comment scheduled at the regularly scheduled Board of Supervisors meeting at 6:30 p.m. on Thursday, October 2, 2008, or any other time to which the public hearing is continued by the Board of Supervisors, the North Middleton Township Board of Supervisors will consider passage of proposed Ordinance No. 2008-07, entitled AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING VARIOUS AMENDMENTS AND MODIFICATIONS OF THE NORTH MIDDLETON TOWNSHIP PRETREATMENT PROGRAM AND PROVIDING FOR REPEAL OF ALL INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES. The purpose of the proposed Ordinance is to amend the requirements of the North Middleton Township Pretreatment Program to address the various changes to pretreatment requirements for wastewater pursuant to DEP and EPA regulations. The proposed Ordinance contains a severability clause, continuation date and an effective date. A copy of the proposed Ordinance as drafted, may be examined without charge or obtained for a charge not greater than the cost thereof at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013, during regularly scheduled business hours. In addition, the North Middleton Code and Zoning Ordinances reflecting the proposed changes are also of record at the Cumberland County Law Library and have been provided to the Sentinel newspaper and the Sentinel newspaper is in possession of a complete copy of the amendments and Ordinance. Interested citizens are invited to attend the above-referenced meeting of North Middleton Township.

Mark W. Allshouse, Esquire
Solicitor for North Middleton Township