

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 242, ARTICLE III OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “INDUSTRIAL PRE-TREATMENT”, BY AMENDING VARIOUS PROVISIONS AS PART OF A PERIODICAL REVIEW OF THE NATIONAL PRETREATMENT REGULATIONS**

**WHEREAS**, pursuant to 8 Pa.C.S. § 2001, the Borough of Chambersburg operates a Sanitary Sewer System for the proper disposal and treatment of sanitary sewage; and

**WHEREAS**, the Sewer Department operates an United States Environmental Protection Agency (EPA) mandated Industrial Pretreatment Program; and

**WHEREAS**, the Code of Ordinances of the Borough of Chambersburg (the “Code”) contains in Chapter 242, Article III, provisions setting forth uniform requirements for users of the sewer system and enabling the Borough to regulate the use of the sewer system and to comply with the requirements of the Clean Water Act and other applicable state and federal laws and regulations; and

**WHEREAS**, the Borough of Chambersburg desires to amend certain sections of Chapter 242, Article III as part of a periodical review of the national pretreatment regulations detailed in Title 40 C.F.R Part 402 for required revisions; and

**WHEREAS**, the Town Council of the Borough of Chambersburg has determined that it is in the best interests of its citizens to update and amend certain sections of Chapter 242, Article III in order to ensure that the Borough’s industrial pre-treatment program is in compliance with all applicable state and federal laws and regulations.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

**SECTION 1.** Chapter 242, Section 242-7(A) of the Code entitled “Definitions” shall be amended by amending the definition for “Biochemical Oxygen Demand (BOD)” to correct a temperature conversion value, to read as follows:

“The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C. (68° F.), expressed in terms of weight and concentration [milligrams per liter (mg/l)].”

**SECTION 2.** Chapter 242, Section 242-7(A) of the Code entitled “Definitions” shall be amended by amending the definition for “Discharge”, to read as follows:

“The introduction of pollutants into the sewer system from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.”

**SECTION 3.** Chapter 242, Section 242-8(A)(6)(b) of the Code entitled “Discharges into the sewer system” shall be amended to read as follows:

“When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent may impose an alternate limit in accordance with 40 C.F.R. Section 403.6(e).”

**SECTION 4.** Chapter 242, Section 242-8(A)(11)(d)(3) of the Code shall be amended to read as follows:

“Slug Discharge Control Plans shall be submitted to the Borough for review before implementation of the plan or construction of any required facilities: the industrial user shall make revisions as required by the Borough. Review of such plans, facilities, and operating procedures by the Borough shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of the industrial pretreatment program.”

**SECTION 5.** Chapter 242, Section 242-8(A)(11)(e) of the Code shall be amended to read as follows:

“All Industrial Users are required to notify the Borough immediately of any changes at their facility affecting the potential for a Slug Discharge.”

**SECTION 6.** Chapter 242, Section 242-8(C)(2)(a) of the Code shall be amended to read as follows:

“No Significant Industrial User shall discharge wastewater to the sewer system without a wastewater discharge permit, except as authorized by the Borough in accordance with the provisions of this article, such discharge is an unauthorized discharge and subject to the penalties provided herein.”

**SECTION 7.** Chapter 242, Section 242-8(C)(23)(b) of the Code shall be amended to read as follows:

“The Borough and its duly authorized representatives, including contractors, may inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being met and all requirements are being complied with. Persons or occupants of premises connected to the sewage collection system shall allow the Borough or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. Areas which are subject to inspection include but are not limited to areas which could result in wastewater discharge to the sewer, such as manufacturing areas and chemical storage areas; pretreatment facilities; spill prevention and control facilities; hazardous waste generation areas; industrial self-monitoring facilities; and areas where relevant documentation is kept or stored. The

Borough and approval authority and their agents shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.”

**SECTION 8.** Chapter 242, Section 242-8(D)(12)(a)(2) of the Code shall be amended to read as follows:

“Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits (as defined by Section 242-7), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).”

**SECTION 9.** Chapter 242, Section 242-11 of the Code shall be amended to read as follows:

“Nothing contained in this article shall be construed as prohibiting special agreements between the Borough and a person discharging industrial wastes or wastewaters to the sewer system, or for the Borough to otherwise waive limits hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Borough, are present, provided, however, that:”

**SECTION 10.** Chapter 242, Section 242-11(B) of the Code shall be amended to read as follows:

“In no case shall a special agreement or waiver of local limits allow for an industrial user to discharge any pollutant which, alone or in combination with other regulated industrial user discharges, would reasonably be expected to exceed the mass loadings determined by the Borough as acceptable to the sewage treatment plant based upon considerations of, among other things, interference, pass-through and sludge contamination. The Borough may consider other factors (e.g., effect of the discharge on the POTW, future expansion, etc.), as it deems appropriate. In no event shall any special agreement or waiver allow the total loading allocated to all industrial users for any pollutant to exceed the maximum allowable industrial loading set forth in the most recent local limits technical evaluation submitted by the Borough and approved by EPA as part of the Borough's Pretreatment Program.”

**SECTION 11.** Chapter 242, Section 242-11(E) of the Code shall be amended to read as follows:

“Any special agreement and/or waiver of pretreatment requirements under this section shall be memorialized in writing in the form of a wastewater discharge permit modification which identifies that the Borough waived or otherwise modified the requirement and includes the new requirement that applies to the user.”

**SECTION 12.** Chapter 242, Section 242-8(D)(10) of the Code requires that the Superintendent of the Water and Sewer Department (the “Superintendent”) “shall be guided by the Enforcement Response Plan when reviewing industrial user reports, inspection results, and other compliance information and when recommending to the Borough enforcement action in response to noncompliance.” The Enforcement Response Plan providing for the enforcement of the industrial

pretreatment program is attached as Appendix A, and incorporated herein by reference, was developed pursuant to 40 C.F.R. Section 403.8(f)(5), and includes a Guidance Table outlining the differing levels of enforcement responses and penalties for various violations.

**SECTION 13.** Savings clause. In all other respects, Chapter 242 of the Code shall remain as previously enacted and ordained.

**SECTION 14.** Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

**SECTION 15.** Repealer. All provisions of previous Ordinances of the Borough of Chambersburg which are contrary to this Ordinance are expressly repealed.

**SECTION 16.** Effective Date. The provisions of this Ordinance shall become effective immediately.

**ENACTED, ORDAINED, AND APPROVED** this            day of \_\_\_\_\_, 2018.

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Allen B. Coffman  
President of Town Council

ATTEST:

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Kristine Baker  
Assistant Secretary of Town Council