

SILVER SPRING TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2009-05

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING THE "SILVER SPRING TOWNSHIP PRETREATMENT PROGRAM" AS ENACTED THROUGH ORDINANCE NO. 97-4 AND AS SUBSEQUENTLY AMENDED.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors in and for Silver Spring Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: PREAMBLE AND BACKGROUND.

On November 12, 1997, the Board of Supervisors of Silver Spring Township enacted Ordinance No. 97-4 which established a wastewater treatment program known as the "Silver Spring Township Pretreatment Program" (the "Pretreatment Program"). The Pretreatment Program has been amended by Ordinance 5 of 2001 since its establishment. Because of changes required by the Environment Protection Agency ("EPA") in accordance with the EPA's Pretreatment Streamlining Regulations, it is necessary to again modify the Pretreatment Program.

SECTION 2: AMENDMENT TO PRETREATMENT PROGRAM.

The Pretreatment Program is hereby amended in the following respects.

A. Section 2, Definitions is hereby amended to include the following additional definitions:

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. BMPs include treatment requirements, operation procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage

BMPs 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 – The Borough of Carlisle, Silver Spring Township, and the Silver Spring Township Authority, collectively hereafter referred to as “Authority”.

B. Section 5 is hereby amended by the insertion in proper numerical and alphabetical sequence, the following additional provisions:

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 SIUs identified prior to November 14, 2005, the evaluation must have been conducted at least once by October 14, 2006. Additional SIUs must be evaluated within one 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). SIUs 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)(l). Including requirements to control slug discharge(s), if determined by the Director to be necessary.

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

C. The following provisions of Section 5 are hereby amended in their entirety to provide as follows:

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 SIUs 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 SIUs 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 SIUs 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 Inspection and Sampling: 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 SIUs discharge. The 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 Authority, DEP and EPA will be permitted to enter without delay for the purpose of performing their specific duties.

D. The following provision of Section 6 is amended to provide in its entirety as

Follows:

6.3 Notification of Violation: 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 notify 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.

E. The following provisions of Section 7 are hereby amended to provide in their entirety as follows:

7.3(2)(a) 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)(b) Technical Review Criteria (TRC) Violation. Thirty-three (33) 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)(c) 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)(h) Any other violation, 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.

### SECTION 3: VALIDITY OF PRIOR ORDINANCES.

All previous ordinances establishing and amending the Pretreatment Program shall remain in full force and effect except as specifically amended hereby.

### SECTION 4: 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 affect any other provision, section, sentence, clause or portion of this ordinance which shall continue and remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This ordinance shall become effective in accordance with existing law.

DULY ENACTED AND ORDAINED this 28<sup>th</sup> day of January 2009,  
by the said Board of Supervisors in lawful session duly assembled.

TOWNSHIP OF SILVER SPRING

By: *Jean A. LeBlanc*  
Chairman, Board of Township Supervisors

ATTEST:

*Sue Ellen Adams*  
Township Secretary

(Township Seal)