

ORDINANCE NO. 2010-02

**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. On October 8, 2008, the Board of Supervisors and North Middleton Township enacted Ordinance No. 2008-07 which provided various amendments to the 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, which may and shall hereafter be further amended from time to time by Resolution of the Board of Supervisors with regard to discharge limitations and technical requirements of the Program, is further amended as follows:

- A. The waste water discharge limitations technical requirements for users discharging into the Carlisle Plant, as set forth in Ordinance NO. 2000-08 and in Section 8 of the Program, are modified and shall be as set forth on the attached Exhibit 'A'.
- B. The waste water discharge limitations technical requirements for users discharging into the North Middleton Authority Plant, as set forth in Ordinance No. 2000-08 and Section 8 of the Program, are modified and shall be as set forth on the attached Exhibit 'B'.

- C. The attached Exhibits 'A' and 'B' are incorporated herein by reference thereto as though they are fully set forth in the body of this Ordinance.
- D. In all other respects, the North Middleton Township Pretreatment Program, as amended, is hereby reenacted in its entirety.

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 4: 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 1st day of April, 2010, by the Board of Supervisors of North Middleton Township in lawful session duly assembled.

ATTEST:



Township Secretary


NORTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS



Robert A. Reisinger, Chairman



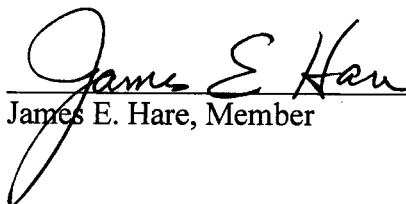
Harry Kelso, Vice Chairman



Robert H. Shearer, Member



Richard A. Bucher, Member



James E. Hare, Member

8. TECHNICAL REQUIREMENTS

8.1 Introduction

The following sections present the technical requirements for the North Middleton Township Pretreatment Program

8.2 Wastewater Discharge Limitations for Borough of Carlisle Treatment Facility

<u>Parameter</u>	<u>Local Limit – Monthly Avg. Mass (lbs/day)</u>
Arsenic	0.70
Cadmium	0.37
Chromium	5.49
Copper	2.72
Lead	3.42
Mercury	0.086
Molybdenum	1.68
Nickel	7.31
Selenium	1.41
Silver	7.98
Zinc	2.30
Cyanide	3.44
BOD-5	4,289
Total Suspended Solids	6,328
Phosphorus as P	107
Ammonia – Nitrogen	741
Fats, Oils & Grease	300 mg/l
Temperature	60°C
pH	6.0 – 9.5 SU
Total Toxic Organics	Federal Categorical Limits may apply
Flow	Shall be regulated

The wastewater discharge limits listed above reflect the total mass of each pollutant, which can not be exceeded in the total industrial contribution to the treatment plant influent. These limits are necessary to adequately protect the treatment process, water quality and biosolids quality. In addition, these limits will also protect worker health and safety in the collection system.

Individual significant industrial user permit limits will be developed in conjunction with flow limits for each significant industrial user. This will ensure that the allowable mass discharge for each user when combined with the other users' pollutant contribution will not exceed the local limits detailed above.

Industrial discharge permit limits will be expressed as concentrations in specific SIU wastewater discharge permits to simplify compliance monitoring.

EXHIBIT 'A'

8.2 Wastewater Discharge Limitations for the North Middleton Township's Treatment Facility.

<u>Parameter</u>	<u>Local Limit</u> <u>Daily Maximum Concentration (milligrams per liter)</u>
Arsenic	0.096
Cadmium	0.024
Chromium	1.97
Copper	0.41
Iron	120
Lead	0.60
Manganese	0.24
Magnesium	18
Mercury	0.042
Molybdenum	0.33
Nickel	0.61
Selenium	0.43
Silver	0.13
Sulfate	600
Sulfide	60
Zinc	0.37
Cyanide	1.67
BOD-5	500
Total Suspended Solids	500
Phosphorus as P	4.86
Ammonia – Nitrogen	25
Fats, Oils & Grease	286 mg/l
Temperature	60°C
pH	6.0 – 9.5 SU
Total Toxic Organics	Federal Categorical Limits may apply
Flow	Shall be regulated

The wastewater discharge limits listed above are necessary to adequately protect the treatment process, water quality and biosolids quality. In addition, these limits will also protect worker health and safety in the collection system.

Individual significant industrial user permit limits will be developed in conjunction with flow limits for each significant industrial user.

EXHIBIT 'B'

MARTSON DEARDORFF WILLIAMS OTTO GILROY & FALLER**MARTSON
LAW OFFICES**

10 EAST HIGH STREET
CARLISLE, PENNSYLVANIA 17013

TELEPHONE (717) 243-3341
FACSIMILE (717) 243-1850
INTERNET www.martsonlaw.com

WILLIAM F. MARTSON
JOHN B. FOWLER III
DANIEL K. DEARDORFF
THOMAS J. WILLIAMS*
IVO V. OTTO III
HUBERT X. GILROY
GEORGE B. FALLER JR.*

DAVID A. FITZSIMONS
CHRISTOPHER E. RICE
JENNIFER L. SPEARS
SETH T. MOSEBEY
KATIE J. MAXWELL
JACOB M. THEIS

*BOARD CERTIFIED CIVIL TRIAL SPECIALIST

February 19, 2010

VIA FACSIMILE (717) 582-7476

Mark W. Allshouse Esquire
4833 Spring Road
Shermans Dale, PA 17090

RE: North Middleton Township/Pretreatment Program
Our File No. 12336.19

Dear Mark:

We need to again modify the Waste Water Pretreatment Program for North Middleton Township. I enclose for your easy reference and background my letter to you of August 20, 2008 when we did a similar modification of the Pretreatment Program.

The Borough of Carlisle is again requesting that the program be modified, and I enclose a draft Ordinance which I have prepared for the Township to act upon to implement the required changes.

I am copying Deb Ealer with this letter and the enclosed Ordinance.

If appropriate, perhaps we could have some discussions on this issue at our joint meeting on Thursday and, possibly, the Township, at Thursday's meeting, could authorize advertisement of the Ordinance.

The Carlisle Ordinance that was recently enacted specifies that future revisions by Carlisle can be done by "resolution". Lee Koch thought that would be an appropriate provision to include in our amended Ordinance. However, I do not know if a resolution option is available to the Township. It may be something peculiar only to the Borough Code. Naturally, the resolution option for future amendments would be preferable in order to save advertisement costs.

Finally, Lee Koch was out of the office when I drafted this document, so once Lee is back next week he may have some comments on possible revisions before Thursday evening.

August 20, 2008

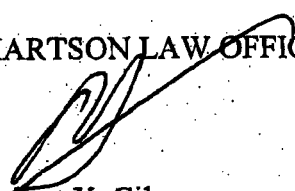
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matter placed on the Supervisor's agenda for review at their August 28 meeting in the hopes that the Supervisors would act at their September 4 meeting to authorize you to advertise the Ordinance for adoption at their next meeting.

If you have any questions, please feel free to contact me or you may also contact Lee Koch at the Authority.

Very truly yours,

MARTSON LAW OFFICES



Hubert X. Gilroy

HXG/srb
Enclosures

cc: Michael T. Keiser (via facsimile (717) 249-5587)
Deborah A. Ealer (via facsimile (717) 243-1135)

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MARTSON DEARDORFF WILLIAMS OTTO GILROY & FALLER**MARTSON
LAW OFFICES**10 EAST HIGH STREET
CARLISLE, PENNSYLVANIA 17013TELEPHONE (717) 243-3341
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INTERNET www.martsonlaw.comWILLIAM F. MARTSON
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*BOARD CERTIFIED CIVIL TRIAL SPECIALIST

August 20, 2008

VIA FACSIMILE (717) 582-7476Mark W. Allshouse Esquire
4833 Spring Road
Shermans Dale, PA 17090RE: North Middleton Township/Pretreatment Program
Our File No. 12336.1

Dear Mark:

We have a Waste Water Pretreatment Program in North Middleton Township pursuant to a prior Ordinance of the Township. This was initiated by a request from the Borough of Carlisle to us and as mandated by EPA because we were delivering some of our waste water into the Borough's system. When we adopted the Pretreatment Program, we essentially adopted the Program as mandated by EPA to handle the waste water going into the Borough system and we applied the same standards for waste water in North Middleton Township. At this time, it does not have much practical impact because we do not have any significant industrial users in the Township depositing waste water either into our system or the Borough system. Regardless, EPA mandates that the Program be in place and our agreement with the Borough in connection with our purchase of capacity also requires that we implement the Program.

We received the enclosed letter from the Borough of Carlisle asking that the Program be amended again pursuant to directives of EPA.

Enclosed is a draft Ordinance which I have prepared for the Township to act upon to implement the required changes. For your easy reference, I have also enclosed the prior three Ordinances adopted by the Township relating to the Pretreatment Program.

The new draft Ordinance incorporates the changes required by EPA and I have also added a provision at Section 2(E) replacing the term "Carlisle Suburban Authority" with "North Middleton Authority" throughout the Pretreatment Program.

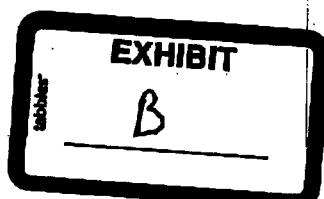
There is some urgency with respect to adoption of this Ordinance in that EPA has mandated that Carlisle proceed with adopting their own Ordinance and also requiring Municipalities who jointly use Carlisle's Plant to adopt a similar Ordinance. Accordingly, could you please have this

8.3 Wastewater Discharge Limitations for the North Middleton Township's Treatment Facility

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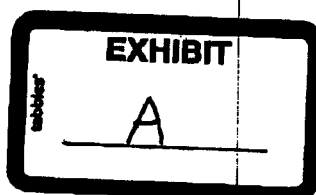
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D. In all other respects, the North Middleton Township Pretreatment Program, as amended, is hereby reenacted in its entirety.

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 4: REPEALER

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

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this ____ day of _____, 2010, by the Board of Supervisors of North Middleton Township in lawful session duly assembled.

ATTEST:

TOWNSHIP OF NORTH MIDDLETON:

Township Secretary

By: _____
Chairman, Board of Township Supervisors

(TOWNSHIP SEAL)

ORDINANCE NO. 2010-**TOWNSHIP OF NORTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA**

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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

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SECTION 2: AMENDMENTS TO PRETREATMENT PROGRAM

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

- A. The waste water discharge limitations technical requirements for users discharging into the Carlisle Plant, as set forth in Ordinance NO. 2000-08 and in Section 8 of the Program, are modified and shall be as set forth on the attached Exhibit 'A'.
- B. The waste water discharge limitations technical requirements for users discharging into the North Middleton Authority Plant, as set forth in Ordinance No. 2000-08 and Section 8 of the Program; are modified and shall be as set forth on the attached Exhibit 'B'.
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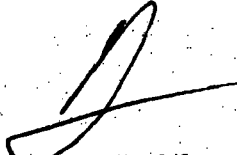
February 19, 2010

Page 2

If you have any questions, I am happy to speak with you prior to Thursday evening.

Very truly yours,

MARTSON LAW OFFICES



Hubert X. Gilroy

HXG/srb

Enclosures

cc: Deborah A. Ealer (via facsimile (717) 243-1135)

E. Lee Koch (via facsimile (717) 240-0377)

\\FILES\Clients\12336 NMA\12336.19.Catfile Pretreatment Program\12336.19.MWA2

Memorandum

To: Paul Fegley, Codes
From: Mark W. Allshouse, Esquire
Date: March 3, 2010
Re: Pretreatment Ordinance

Dear Paul,

Please have a copy of the proposed Pretreatment Ordinance filed at the County Law Library and available for review at the Township office.

Deborah Ealer

From: Sallie Allshouse [kittensncamo@comcast.net]
Sent: Wednesday, March 03, 2010 9:43 AM
To: Deborah Ealer
Subject: RE: Ord No
Attachments: PUBLIC NOTICE 2010.doc; Advertising letter - Sentinel 2010.doc; memo to Paul.doc; ORDINANCE NO 2010.doc

Thank you! Here is the Ordinance, Notice, letter to Sentinel and memo to Paul. (Will you see that Paul gets the memo?) Have a nice day!

Sallie

From: Deborah Ealer [mailto:dealer@northmiddleton-township.org]
Sent: Wednesday, March 03, 2010 9:34 AM
To: Sallie Allshouse
Subject: RE: Ord No

2010.02

From: Sallie Allshouse [mailto:kittensncamo@comcast.net]
Sent: Wednesday, March 03, 2010 9:13 AM
To: Deborah Ealer
Subject: Ord No

Hi Debi!

Can we have a number for the pretreatment ordinance?

Sallie Allshouse

If replying to Mark, please use mark_cls@comcast.net. Thanks!

Christian Lawyer Solutions, LLC

4833 Spring Road
Shermans Dale, PA 17090
(717) 582-4006
(717) 582-7476 (fax)

*****CONFIDENTIALITY NOTICE*****

This communication and any accompanying documents contain information for the law office of Christian Lawyer Solutions, LLC which is confidential and/or legally privileged. The information is intended only for the sole use of the intended recipient. If you are not the intended recipient, you are hereby notified that

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March 3, 2010

VIA ELECTRONIC MAIL

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

Attention: Legal Advertising

Re: North Middleton Township
Proposed Ordinance No. 2010-02
Request for Advertisement/Public Notice

Dear Sir or Madam:

Kindly publish the attached public notice for Proposed Ordinance No. 2010-02 in the legal notice section of The Sentinel on the weeks of March 15, 2010 and March 22, 2010. Please contact my office to verify receipt of this publication. I have enclosed herewith a complete copy of the Proposed Ordinance. 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,
North Middleton Township Manager

MWA/sa

Enclosure

cc: North Middleton Township Board of Supervisors