

Upon motion by Brian P. McGrath, seconded by John E. Morgan, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE NO. 2016-7

An Ordinance amending the local pollutant limits set forth in Section 2.41 of Millcreek Township's Industrial Waste Ordinance as amended and restated by Ordinance 2009-5, so as to conform with amendments effected by the City of Erie; including severability and repealor provisions.

WHEREAS, the Board of Supervisors of Millcreek Township, in order to promote the health, safety, and welfare of the people of the Township and its environs, and the purity of its water, has deemed it necessary and appropriate to construct additions to its public sanitary sewer system, including intercepting and trunk sewer lines, sewage pumping stations and appurtenances and require connections to be made to the public sanitary sewerage system as now or hereinafter, to be constructed, and

WHEREAS, sewage collected by the sewer system of Millcreek Township is transported to the sewer system of the City of Erie for treatment according to various agreements between the City of Erie and the Township of Millcreek, and

WHEREAS, the public sanitary sewerage system of Millcreek Township and of the City of Erie are capable of collecting and treating certain types and quantities of industrial wastes in excess of, and in addition to, domestic sewage, and

WHEREAS, the sewage rates and rentals established pursuant to the Sewer Rental Ordinance and other regulations do not provide for payment to the City of Erie for use of its public sanitary sewerage system for the treatment or disposal of industrial wastes of abnormal, extraordinary, or above average strength, and

WHEREAS, the Board of Supervisors determines that it is fair, equitable and appropriate that the generators of industrial wastes of abnormal, extraordinary or above average strength should pay for the privilege of discharging such wastes to the public sanitary sewerage system and for the proportionate cost of providing, operating, and maintaining the additional facilities required for the treatment of such industrial wastes, and

WHEREAS, for the protection of the public sanitary sewerage system, it is necessary to exclude certain materials from the system, or to require the pretreatment at the point of origin of certain industrial waste before admission to the system, and

WHEREAS, by Ordinance 2009-5, Millcreek Township amended and restated its Industrial Waste Ordinance; and

WHEREAS, the City of Erie has revised six local pollutant limits set forth in Section 2.41 of said Ordinance and the Township, pursuant to agreements governing the sanitary sewer system, is obligated to incorporate those revisions in its ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania and it is hereby enacted and ordained as follows:

SECTION 1. Section 2.41 of Ordinance 2009-5, entitled "Local Limits, is hereby amended to provide as follows:

2.4 Local Limits

2.4.1 The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

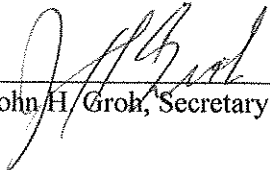
<u>Substance/Material/Parameter</u>	<u>Maximum Allowable Discharge Limit</u>
Arsenic (As)	1.0 mg/l
Cadmium (Cd)	0.6 mg/l
Chromium (Cr)	8.0 mg/l
Copper (Cu)	1.9 mg/l
Cyanide (CN)	1.2 mg/l
Lead (Pb)	0.8 mg/l
Mercury (Hg)	0.0003 mg/l
Nickel (Ni)	7.0 mg/l
Silver (Ag)	1.9 mg/l
Zinc (Zn)	3.4 mg/l
Phosphorus (P)	23.4 mg/l
Oil and Grease	250.0 mg/l
pH	5.0/12.0

SECTION 2. Page 10 of said Ordinance No. 2009-5 shall be amended in accordance with that revised page attached to this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not been included herein.

SECTION 4. All Ordinances or parts of any Ordinance inconsistent herewith are hereby repealed.

BE IT ENACTED this 14th day of June, 2016.



John H. Groh, Secretary

2.2. National Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, found at 40 C.F.R. Chapter I, Subchapter N, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance.

- 2.2.1 Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 403.6(c).
- 2.2.2 When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. 403.6(e).
- 2.2.3 A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- 2.2.4 A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15.

2.3 State Requirements

State requirements on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those in this Ordinance.

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<u>Substance/Material/Parameter</u>	<u>Maximum Allowable Discharge Limit</u>
Arsenic (As)	1.0 mg/l
Cadmium (Cd)	0.6 mg/l
Chromium (Cr)	8.0 mg/l
Copper (Cu)	1.9 mg/l
Cyanide (Cn)	1.2 mg/l
Lead (Pb)	0.8 mg/l
Mercury (Hg)	0.0003 mg/l
Nickel (Ni)	7.0 mg/l
Silver (Ag)	1.9 mg/l
Zinc (Zn)	3.4 mg/l
Phosphorus (P)	23.4 mg/l
Oil and Grease	250.0 mg/l
pH	5.0/12.0