

BOROUGH OF NORTH YORK, PENNSYLVANIA

ORDINANCE NO. 2022-03

ORDINANCE ADOPTING RULES AND REGULATIONS PERTAINING TO
WASTEWATER COLLECTION, CONVEYANCE, TREATMENT AND DISPOSAL
SERVICE AND PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT OF SAME

WHEREAS, North York Borough, York County, Pennsylvania (“Borough”) is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, Pennsylvania-American Water Company (“Pennsylvania-American”), a regulated water and wastewater public utility organized and existing under the laws of the Commonwealth of Pennsylvania, anticipates acquiring and then operating the wastewater treatment plant and collection and conveyance system currently owned by the York City Sewer Authority and operated by the City of York (the “York System”); and

WHEREAS, the Borough owns and operates the wastewater collection system and provides wastewater collection service to residential, commercial, industrial and institutional users within its municipal limits; and

WHEREAS, the Borough’s wastewater collection system is connected to the York System; and

WHEREAS, following acquisition of the York System, Pennsylvania-American will provide wastewater conveyance, treatment and disposal services for wastewater generated within the Borough; and

WHEREAS, Pennsylvania-American provides its wastewater services pursuant to Pennsylvania-American’s Rates, Rules and Regulations Governing the Furnishings of Wastewater Collection and Disposal Service (“Tariff”), as submitted to and approved by the Pennsylvania Public Utility Commission; and

WHEREAS, pursuant to the terms of its National Pollutant Discharge Elimination System permit issued by Pennsylvania Department of Environmental Protection, and with the approval of the Pennsylvania Public Utility Commission, Pennsylvania-American administers an Industrial Pretreatment Program for the benefit of certain industrial and commercial customers of the York System, the terms of which are available on the Pennsylvania-American webpage; and

WHEREAS, collectively, the Tariff and the Industrial Pretreatment Program constitute the wastewater service requirements (“Rules and Regulations”) of Pennsylvania-American; and

WHEREAS, upon the sale and transfer of the York System to Pennsylvania-American, Pennsylvania-American will provide Industrial Pretreatment Program services directly to certain industrial and commercial customers within the municipal boundaries of the Borough; and

WHEREAS, the Borough and Pennsylvania-American have entered into a certain Wastewater Treatment & Conveyance Agreement ("Agreement") whereby Pennsylvania-American, upon the sale and transfer of the York System to Pennsylvania-American, will continue to accept wastewater from the Borough for treatment and disposal through the York System, including from certain industrial and commercial customers; and

WHEREAS, as part of the Agreement and upon the sale and transfer of the York System to Pennsylvania-American, the Borough has agreed to adopt and enforce resolutions or ordinances that establish rules and regulations consistent with Pennsylvania-American's Rules and Regulations and that assist Pennsylvania-American with implementation and enforcement of its Rules and Regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Commissioners of York Borough, as follows:

SECTION 1. The following words and phrases, when used in this Ordinance, shall have the meanings assigned below:

- A.. "Industrial Pretreatment Program" means the program adopted and administered by Pennsylvania-American pursuant to the terms of its National Pollutant Discharge Elimination System permit issued by Pennsylvania Department of Environmental Protection, and with the approval of the Pennsylvania Public Utility Commission, regulating industrial and commercial customers of the York System.
- B. "Municipal Collection System" means the wastewater collection and conveyance system owned and operated by North York Borough, which collects wastewater generated within the Borough that is conveyed to and discharged into the York System.
- C. "Pennsylvania-American" means Pennsylvania-American Water Company, a regulated water and wastewater public utility organized and existing under the laws of the Commonwealth of Pennsylvania.
- D. "Rules and Regulations" means the terms of the Tariff and the Industrial Pretreatment Program, collectively.
- E. "Tariff" means Pennsylvania-American's Rates, Rules and Regulations Governing the Furnishings of Wastewater Collection and Disposal Service, as submitted to and approved by the Pennsylvania Public Utility Commission.
- F. "Borough" means the North York Borough, York County, Pennsylvania.

- G. "Wastewater" means liquid and water-carried industrial wastes and sewage, whether treated or untreated, which are contributed to the Municipal Collection System.
- H. "York System" means the wastewater treatment plant and collection and conveyance system in an around the City of York, York County, Pennsylvania soon to be acquired and operated by Pennsylvania-American.

SECTION 2. To the extent set forth and provided in the Agreement, the Borough hereby adopts and incorporates the Rules and Regulations of Pennsylvania-American relating to the provision of wastewater service by the York System. Such Rules and Regulations shall apply to any connections to, and any wastewater discharged into the Municipal Collection System. Any person who discharges wastewater containing pollutants from any non-domestic source into the Municipal Collection System shall be regarded as a "user" and an "industrial user" under the terms of the Rules and Regulations.

SECTION 3. To the extent set forth and provided in the Agreement, each person who discharges wastewater into the Municipal Collection System shall comply with the Rules and Regulations, including but not limited to all general sewer use requirements, prohibited discharge standards, pretreatment standards and requirements, permitting requirements, monitoring and reporting requirements, and compliance and inspection requirements.

SECTION 4. To the extent set forth and provided in the Agreement, in the event that a person requests to discharge wastewater containing regulated pollutants from any non-domestic source into the Municipal Collection System, the Borough shall, as set forth and provided in the Agreement, promptly notify Pennsylvania-American of such request and, prior to allowing such discharge, require the user to obtain from Pennsylvania-American an individual wastewater discharge permit or a determination that no individual wastewater discharge permit is required.

SECTION 5. To the extent set forth and provided in the Agreement, the Borough hereby authorizes Pennsylvania-American to implement the Rules and Regulations within the Borough, including with respect to inspection and enforcement of the Rules and Regulations. Any person who discharges wastewater to the Borough's wastewater collection system shall grant Pennsylvania-American access to its property at all reasonable times to inspect the facility, perform sampling, review and copy records, and take other actions necessary to determine whether the person is complying with the Rules and Regulations and any individual wastewater discharge permit or compliance directive issued thereunder, in the manner and to the full extent provided in the Rules and Regulations. The Borough further authorizes Pennsylvania-American to make the determination of a violation of the Rules and Regulations and to deliver to any user or other person a notice of violation. Nothing herein shall limit the authority of the Borough itself to access and inspect the property of any user or to take enforcement action with respect to any discharge to the Municipal Collection System.

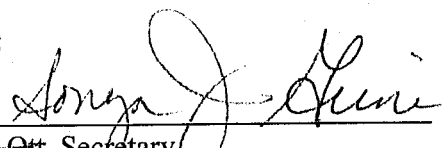
SECTION 6. To the extent set forth and provided in the Agreement, whenever requested by Pennsylvania-American, the Borough shall take such actions as are lawful and appropriate to implement and enforce the Rules and Regulations within the municipal boundaries of the Borough, including by imposing fines and penalties as permitted by the North York Borough Code of Ordinances, seeking legal or equitable remedies, or suspending or terminating wastewater collection service. Nothing herein shall limit the authority of the Borough to take action to enforce the Rules and Regulations on its own accord within the Borough whenever it deems it necessary and appropriate to do so.

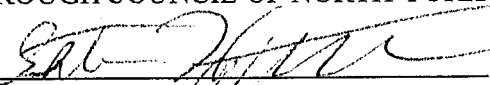
SECTION 7. Nothing herein shall limit in any way the authority of the Borough as conferred by the Borough Code or other laws and regulations of the Commonwealth of Pennsylvania.

SECTION 8. All ordinances or parts thereof that are inconsistent herewith are hereby repealed to the extent inconsistent.

SECTION 9. This Ordinance shall become effective on the date that the York System is sold and transferred to Pennsylvania-American.

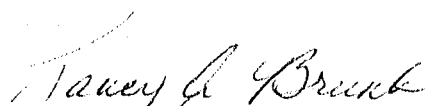
ENACTED AND ORDAINED by the Borough Council of North York Borough this 10th day of May 2022.

ATTEST:
By: 
Misty Ott, Secretary
Sonya Grim

BOROUGH COUNCIL OF NORTH YORK
By: 
Seth Hightman, President

Approved this 10th day of May 2022.

(SEAL)


Nancy Brunk, Mayor