

BOROUGH OF DUNMORE

The Borough Council of the Borough of Dunmore does ordain as follows:

I. AIR POLLUTION CONTROL

PART ONE - DEFINITIONS

Section One. "Air pollution control equipment" means any operation that has, as its essential purpose, a significant reduction in (a) the emission of air contaminants or (b) the effect of such emission.

Section Two. "Area of an opening or containing device" means that area, a project of the opening or of the gas passage on a plane to which the principal direction of gas flow is perpendicular.

Section Three. "Atmosphere" means that air that surrounds the earth and includes the general volume of gases contained within any building or structure; but excludes both:

(a) The gases contained in any building or structure specifically designed for and used as part of an air pollution abatement operation or in a piece of processing or operating equipment, or in any building from which no significant portion of the air contaminants contained therein escapes; and

(b) The gases traveling from a source operation to a collection system, provided such collection system collects the air contaminants discharged by such source operation to such a degree that no significant portion thereof escapes collection, and provided further that such collection system emits all collected gases through a Type "A" emission point.

Section Four. "Auxiliary fuel" means any material that undergoes combustion in an incineration operation or in a salvage operation; but excludes any waste or material, the combustion of which is part of the principal purpose of the operation.

Section Five. "Combustion" means the rapid exothermic reaction of any material with oxygen.

Section Six. "Containing device" means any stack, duct, flue, oven, kettle, or other structure or device that so contains an air contaminant, or gas stream that contains or may contain an air contaminant, as to prevent essentially its entering the atmosphere except through such opening as may be incorporated for that purpose in the containing device; and excludes equipment used for air pollution abatement operations, and any other device that significantly changes the nature, extent, quantity, or degree of air contaminants in the gas stream or in which such change does or has a natural

tendency to occur.

Section Seven. "Emission" means the act of passing into the atmosphere an air contaminant or gas stream that contains or may contain an air contaminant; or the material so passed to the atmosphere.

Section Eight. "Emission point" means the location (place in horizontal plane and vertical elevation) at which an emission enter the atmosphere.

Section Nine. "Exhaust gas volume" means the total volume of gases emitted from an emission point.

Section Ten. "General combustion operation" means any source operation in which combustion is carried on, exclusive of heat transfer operations, incineration operations, and salvage operations.

Section Eleven. "General operation" means any source operation not included in Sections Ten, Twelve, Thirteen, and Twenty hereof, inclusive.

Section Twelve. "Heat transfer operation" means the combustion side of any source operation that (a) involves the combustion of fuel for the principal purpose of utilizing the heat of combustion-product gases by the transfer of such heat to the process material; and (b) does not transfer a significant portion of heat by direct contact between the combustion-product gases and the process material.

Section Thirteen. "Incineration operation" means any source operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate disposal, or both.

Section Fourteen. "Operation" means any physical action resulting in a change in location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples, without limitation of the generality of the foregoing: electrolysis, combustion, material handling, evaporation, mixing, absorption, filtration, screening, and fluidization.

Section Fifteen. "Particulate matter" means any material that is emitted as liquid or solid particles, or both but does not include uncombined water; for the purposes of this Section Fifteen, material emitted at any temperature in excess of 500 degrees Fahrenheit may be deemed to have been emitted at 500 degrees Fahrenheit.

Section Sixteen. "Person" means any natural person, a corporation, government agency, public officer, association, joint venture, partnership, or any combination of such, jointly or separately, operating in concert for any

common objective related to the purposes of this Regulation. It includes the owner, lessor, lessee, tenant, licensee, manager, and operator of any above-mentioned organization or group, or combination thereof, of any emission point or any source operation related thereto, or any interest in such emission point or source operation.

Section Seventeen. "ppm(vol)" means parts per million by volume.

Section Eighteen. "Process weight" means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and air introduced for purposes of combustion.

Section Nineteen. "Process weight rate" means a rate established as follows:

(a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation, or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the hours of actual process operation during such period.

Section Twenty. "Salvage operation" means any source operation in which combustion is carried on for the principal purpose, or with the principal result, of salvaging metals that are introduced into the operation as essentially pure metals, or alloys thereof, by oxidation of physically intermingled combustible material; but excludes operations in which there is complete fusion of all such metals.

Section Twenty-One. "Significant dimension" of an area means the square root of the numerical value of the area.

Section Twenty-Two. "Sourcing gas volume" means the volume, in standard cubic feet, of all gases leaving a source of operation; for purposes of this section Twenty-Two, the boundary of a source operation is that point or surface at which the separation of the air contaminants from the process materials or the conversion of the process materials into air contaminants is essentially complete.

Section Twenty-Three. "Source operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.

Section Twenty-Four. Standard conditions means a pressure of 14.7 pounds per square inch, absolute, in a temperature of 60 degrees Fahrenheit.

Section Twenty-Five. "Standard cubic foot" of gas means that amount of the gas that would occupy a cube having dimension of one foot on each side, if the gas were at standard condition; calculations to determine the number of standard cubic feet corresponding to actual measured conditions shall follow accepted engineering practice.

Section Twenty-Six. "Standard dry cubic foot" of a gas means that amount of the gas that would occupy a cube having dimension of one foot on each side, if the gas were free of water vapor and at standard conditions; calculations to determine the number of standard dry cubic feet corresponding to actual measured conditions shall follow accepted engineering practice.

Section Twenty-Seven. "Sunset" and "sunrise" mean the times of civil sunset and civil sunrise in the Borough of Dunmore.

Section Twenty-Eight. Type "A" emission point means an opening of reasonably regular geometry, preceded by a containing device that has a minimum length six times the significant dimension of the emission point and with such minimum length: has a reasonable straight gas flow channel; has smooth interior surfaces; has area and geometry essentially constant and equal to the emission point and does not cause a significant change in the gross direction of gas flow.

Section Twenty-Nine. Type "B" emission point means any emission point not qualifying under Section Twenty-eight as a Type "A" emission point.

Section Thirty. Quantity of emission from a Type "B" emission point shall be the quantity of emission computed by multiplying the quantity of emission from a test area by the proportion which the whole area bears to such test area. Such test area may be taken as the cross-sectional area of the inlet to sample probe. The emission from any test area of a Type "B" emission point shall be deemed to be representative in every respect of the emissions from the whole area of such Type "B" emission point. Emissions from the test area may be measured at the place and by the procedure which result in the highest measurement of air contaminants. This section shall not apply if other sampling and testing facilities that will disclose the nature, extent, quantity, and degree of air contaminants are provided by the person responsible for the emission.

PART TWO - GENERAL LIMITATIONS AND REQUIREMENTS

Section Thirty-One. This part applies to all source operations; namely, incineration, salvage, heat transfer, general combustion, and general operations as defined in Sections One through Thirty of Part One.

Section Thirty-Two. VISIBLE EMISSIONS. Except as provided in Section Thirty-three through Thirty-five(g), no person shall cause, let, permit, suffer, or allow the emission for more than three minutes in any one hour of a gas stream containing air contaminants which, at the emission point or within a reasonable distance of the emission point, is

(a) As dark as or darker in shades than that designated as No. 1 on the Ringelmann Chart as published in the United States Bureau of Mines Information Circular 7718, or

(b) Of such capacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section Thirty-two(a); and the determination of such capacity shall be according to procedures in Part Three, Sections Thirty-six through Forty-two.

Section Thirty-Three. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Section Thirty-two, that section shall not apply. The burden of proof which established the application of this Section Thirty-three shall be upon the person seeking to come within its provisions.

Section Thirty-Four. Section Thirty-two shall not apply to any emission on the basis of any observation of an air contaminant while such contaminant is inside a bona fide building.

Section Thirty-Five. If the person responsible for an emission can show that the emission meets all the requirements of this Section Thirty-five as given in subsections Thirty-five(a) through Thirty-five(g), then compliance with the limitations of this Section Thirty-five instead of with the limitations of Section Thirty-two can be used by such person to show compliance of such emission with the limitations pertaining to visible emission of this Regulation. The burden of showing compliance with each and all of the provisions of this Section Thirty-five shall be upon the person seeking to come within its provisions.

(a) The emission is from a Type "A" emission point.

(b) The emission does not contain significant amounts of materials which are vapors at stack temperature and particulate matter at ambient temperature.

(c) The emission has a constant appearance, which for the purposes of this section Thirty-five shall mean the emission has a clearly discernible, predominant darkness of shade or degree of opacity, in the sense of Section Thirty-two, and that the aggregate of all the periods during which the observed shade or opacity differs by 0.5 Ringelmann number or more from such predominant shade or opacity does not exceed three minutes in any consecutive 30 minutes.

(d) During the time that all of the other requirements of this Section Thirty-five are met, the emission does not contain more than "n" grains of particulate matter per standard cubic foot, when $n=0.06/L$ and "L" is the significant dimension of the emission point, in feet.

(e) The emission does not contain material other than the particulate matter determined in Section Thirty-five (d) or uncombined water or both, that contributes significantly to the failure of the emission to meet the limitations of Section Thirty-two.

(f) Only emissions of that darkness of shade, degree of opacity, or appearance of plume which have been observed pursuant to Sections Thirty-five(c) and Thirty-five(d) and have been found to comply with the limitations of Section Thirty-five(d) are permitted by this Section Thirty-five.

(g) The Code Enforcement Officer may require a repeated showing of compliance with this Section Thirty-five upon a significant change in operating conditions or upon observation of a significant change in the appearance of the plume.

PART THREE - PROCEDURE FOR MAKING OBSERVATIONS TO DETERMINE COMPLIANCE WITH SECTION THIRTY-TWO

Section Thirty-Six. Provisions of this Part shall govern observations of emissions to determine compliance with Section Thirty-two. These provisions shall be applied to each observation to the extent they are applicable, and to whatever extent time and physical circumstances reasonably permit.

Section Thirty-Seven. Observations shall be made from any position such that the line of observation is at approximately a right angle to the line of travel of the emitted material.

Section Thirty-Eight. The plume shall be observed against a suitable background.

Section Thirty-Nine. Observations during daylight hours shall be made with the observer facing generally away from the sun.

Section Forty. Observations during hours of darkness should be made with the aid of a light source.

Section Forty-One. Readings shall be noted at approximately 15-second intervals during observation, except that intervals up to one minute shall be permitted where the appearance of the emission does not vary during such interval.

Section Forty-Two. The general color of the emission during the period of observation shall be noted as a part of the record of observation.

Section Forty-Three. It is the express intention of this Ordinance that the use of coal or wood burning residential heating devices shall not be precluded or effected in anyway.

II. INCINERATOR MAINTENANCE AND OPERATION

Section One. Incinerator maintenance and operation. It shall be unlawful for any person to permit or cause foul or offensive odor, fumes, gases, fly ash, or smoke in the maintenance or operation of an incinerator.

(a) Odors shall be considered offensive when any odor similar to that of burning paper, garbage, or other cellulose material is emitted from the incinerator chimney and is detectable at a distance of more than 25 feet from the incinerator chimney or at a location of a citizen complaint, whichever is a greater distance.

(b) Exception: One period not to exceed 10 minutes in any consecutive 24-hour period will be permitted for the purpose of bringing the incinerator up to the required discharge gas temperature.

(c) Fly ash and any other emissions shall be considered offensive when the particulate matter in the combustion gases discharged from the chimney or at any convenient measuring point in the chimney or in the chimney connection from the incinerator to the chimney exceeds the criteria set forth in the Municipal Waste Combustor Standards and New Source Performance Standards as promulgated by the United States Environmental Protection Agency, as amended, including but not limited to the Emission Reduction Schedule, which is attached hereto as Exhibit "A" and made part hereof by incorporation.

(1) The combustion of lead-acid vehicle batteries and household batteries is prohibited.

(2) Any and all incinerator chief facility operators and shift supervisors shall be operator certified by the American Society of Mechanical Engineers.

(3) The owner/operator of the incinerator plant is required to develop a manual for proper operation and maintenance of the combustor and review that manual with employees responsible for operation of the combustor on an annual basis.

Section Two. It shall be unlawful for any person to permit or cause to be burned in any incinerator permitted by this ordinance materials or items with aggregate weight exceeding _____ tons for any 7 day period. It the purpose and intent of this ordinance to _____ tons per week.

Section Three. It shall be unlawful for any person to permit or cause to be burned in any incinerator permitted by this ordinance any infectious, medical or "red bag" waste materials within two (2) lineal miles of any

residential area in the Borough of Dunmore.

III. WATER DISCHARGE REGULATIONS

DIVISION ONE - GENERAL PROVISIONS

Section 1. Purposes of Ordinance. The purpose of this ordinance is to regulate and control the quality and quantity of discharge from producing, residential, manufacturing, processing, commercial, or industrial operations in order that the water or waste being discharged from these sources shall not adversely affect any of the following:

- (a) the personnel employed in the operations and maintenance of the Sewerage System;
- (b) the appurtenances of the Sewerage System;
- (c) the cost and operation of the Sewerage System;
- (d) the quality of the effluent from the Water Pollution Control Plants;
- (e) the quality of the receiving water;
- (f) the grounds or soil in the Borough of Dunmore;
- (g) the citizens of the Borough of Dunmore or their property.

Section 2. Adopting by Reference Standard Methods for the Examinations of Water and Sewage. The "Standard Methods for the Examination of Water and Sewage," published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, is hereby adopted by reference for definitions, laboratory procedures of analysis, and tests and measurements.

Section 2.1. Additional Procedures - Authority for Code Enforcement Officer to Adopt. Where no test or procedure is provided in the "Standard Methods" adopted in Section 2, the Code Enforcement Officer shall establish necessary test procedures pursuant to this ordinance.

Section 2.2. Interpretation. In the event of any conflict between a definition provided for in "Standard Methods" and a specific provision in this ordinance, the specific provision of this ordinance shall govern. Appeals on interpretation of any definition in conflict may be made to the Code Enforcement Officer in accordance with established procedures.

Section 3. Definitions. For the purpose of this ordinance, the following words and phrases shall mean and include the definitions of the following sections:

Section 3.1. Sanitary Sewage. The water-carried wastes from residences or commercial or industrial establishments contributed solely by reason of human occupancy, excepting wastes from the commercial preparation and dispensing of food and beverages.

Section 3.2. Industrial Waste. Any waste substances, as distinct from sanitary sewage, including but not limited to liquid, solid, gaseous, and radioactive substances resulting from any producing, manufacturing, processing, commercial, or industrial operation of whatever nature.

Section 3.3. Person. An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any group or a combination acting as a unit, the United States of America, the State of Pennsylvania, and any political subdivision of either, and any public entity organized pursuant to the laws of the State of Pennsylvania.

Section 3.4. Borough. Borough shall mean the Borough of Dunmore.

Section 3.5. Discharger. The owner of record, the lessee, sublessee, mortgagee in possession, or any person responsible for the process that contributes the waste.

Section 3.6. Sewerage System. All facilities for collecting pumping, treating, and disposing of sanitary sewage, industrial waste, and surface runoff.

Section 3.7. Cooling Water. The water discharged from any system of condensation, air-conditioning, cooling, refrigeration, or other process from which a discharge of water takes place.

Section 3.8. Garbage. Solid wastes from the domestic preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products.

Section 3.9. Properly Ground Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried under the flow conditions normally prevailing in the public sewers in the Borough of Dunmore.

DIVISION TWO - PROHIBITED WASTE DISCHARGES

Section 4. Exclusion of Wastes. No person shall discharge, deposit or throw, or cause, allow or permit to be discharged, deposited or thrown into the ground water of the Borough or the Sewerage System any substance of any kind and whatever tending to pollute, obstruct or injure the ground water, soils

or the Sewerage System, or cause a nuisance; or which will in any manner interfere with the proper operation, repair, or maintenance of the Sewerage System, or will in any way render it difficult for any workmen to repair any part of the Sewerage System and shall include, but not be limited to:

(a) Ashes, cinders, sand, gravel, dirt, bark, leaves, grass cuttings and straw, metals; glass, ceramics, and plastics, or any other solid or viscous substance capable obstruction to the flow in sewers.

(b) Flammable or explosive substances or any other substances that may interact with other wastes to cause flammable or explosive conditions in the ground water, soils or Sewerage System.

(c) Mineral oils, greases or other products of petroleum origin.

(d) Garbage, excepting Properly Ground Garbage from dwellings and restaurants or other establishments engaged in the preparation of foods and beverages intended primarily for immediate consumption.

(e) Any toxic, noxious or malodorous gas or substance that either singly or by interaction with other wastes is capable of creating a nuisance or hazard to life and limb or of preventing maintenance of the Sewerage System.

DIVISION THREE - LIMITATION ON WASTE DISCHARGES

Section 5. Limitations on Discharges. The characteristics of any Industrial Waste discharged into the ground water, soils or Sewerage System shall not exceed the numerical limits set forth below:

	Limiting Values
(a) pH	5.5 min.; 8.5 max.
(b) Phenols, mg/l	0.5
(c) Dissolved Sulfides, mg/l	0.5
(d) Temperature (except where higher temperatures are required by law)	125 Degrees Fahrenheit
(e) Turbidity (Jackson Turbidity Units)	70
(f) Toxicity	75%

Section 5.1. Limitations Based on Normal Raw Sewage. Any substance in any Industrial Waste discharge that, in accordance with Section 1, may adversely affect the operation or maintenance of the Sewerage System or cause the effluent from the Borough Water Pollution Control Plants to exceed state

Section 5.1. Limitations Based on Normal Raw Sewage. Any substance in any Industrial Waste discharge that, in accordance with Section 1, may adversely affect the operation or maintenance of the Sewerage System or cause

the effluent from the Borough Water Pollution Control Plants to exceed state or federal regulations and for which no specific limits has been established, shall not exceed the concentration of such substance in Normal Raw Sewage.

Section 5.2. Radioactive Waste. No person shall discharge or cause to be discharged any radioactive waste into the Sewerage System.

DIVISION SIX

Section 6. Sampling and Analysis Program and Sampling Facility. The Borough may require the Discharger to conduct a sampling and analysis program of a frequency and type stipulated by the Borough to demonstrate compliance with prescribed waste discharge requirements. The Discharger may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the Borough that he has the necessary qualifications and facilities to perform the work; or

(b) Engage a private consulting firm or laboratory, certified by the State of Pennsylvania, for water quality or sewage work.

The Borough may require a Discharger to construct, at the Discharger's expense, a sampling facility on the said sewer in the street or sidewalk area with necessary related measuring and sampling equipment, in accordance with current Borough standards. The construction shall be completed within the time set forth in the time schedule.

Section 6.2. Monitoring of Waste Discharges. If required by the Borough, the quantity and quality of waste discharge shall be monitored by the discharger as set forth in Section 6 at the Discharger's expense and the results thereof submitted to the Borough.

Section 6.3. Monitoring of Waste Discharges by Other Agencies. If required by the Borough, the quality and quantity of waste from governmental agencies being discharged into the Sewerage System by agreement with the Borough shall be sampled at certain specified locations prior to the discharge into the Sewerage System.

Section 6.4. Right to Enter Premises. Upon showing proper credentials, a person authorized by the Borough shall have the right to enter the Discharger's premises when necessary for the performance of their duties.

Section 6.5. Reimbursement for City's Additional Costs.

The Borough may enter into an agreement with the Discharger, whereby the Discharger shall reimburse the Borough for additional cost of treatment, pumping, maintenance of the Sewerage System, administration, penalties imposed by enforcement agencies, and incidental expenses resulting from his discharge other than as provided herein.

Section 6.6 Serious and immediate hazards. Notwithstanding the provisions of any other section of this ordinance, whenever in the judgment of the Borough appears that a water or waste discharge is causing any condition constituting a hazard to the life, health, or safety of any person, or the ground water, soils or Sewerage System, the Borough is empowered to hold a hearing within 24 hours notice to the offending party.

Section 6.7. Code Enforcement Officer May Adopt Rules and Regulations. After a public hearing the Borough may adopt rules and regulations supplemental to this ordinance and not in conflict with the intent thereof, provided they are generally accepted and in conformity with requirements set by other agencies of the Borough of Dunmore. These are subject to reexamination and change it at any time such rules and regulations are found to be not in conformance with the intent or requirements of this ordinance.

DIVISION SEVEN - PENALTIES; ENFORCEMENT; SEVERABILITY

Section 7. Accidental Discharge. The accidental discharge of any waste that reaches the Sewerage System and/or ground water shall be reported to the Borough by the Discharger immediately and in the most expeditious manner. Although no penalty as such, will be levied as a result of such accidental discharge, it shall be understood that the Discharger shall not be relieved of his responsibilities and shall be liable for any expense, loss, or damage occasioned the Borough by reason of such accidental discharge. A discharge from the same source occurring more than two (2) times per year shall not be considered accidental.

Section 7.1. Damage to Sewerage System. No person shall maliciously, willfully, or negligently break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment that is a part of the Sewerage System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 7.2. Penalty for Violations. Any person, the owner or his authorized agent, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists or opposes the execution of, the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 Dollars or by imprisonment, unless otherwise provided in this ordinance, and shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect, or refusal shall continue. Any person who shall do any work in violation of any of the provisions of this ordinance, and any person in charge of such work who shall permit it to be done, shall be liable to the penalty provided.

Section 7.3. Willful Violation. Any Discharger, purposely dumping pollutants or diluting waste discharged into the Borough's Sewerage System

and/or ground water in an attempt to avoid the intent of this ordinance, shall be considered in willful violation of the ordinance and shall be subject to a fine and imprisonment for each violation. Each day in which violation shall continue, it shall be deemed a separate offense.

Section 7.4. Abatement of Discharge. Exclusive of the civil and penal remedies provided in Section 7.2 and 7.3, when, in the judgment of the Borough, the Discharger has not demonstrated satisfactory progress towards compliance with the Order, by being in violation of the time schedule, including any stipulated intermediate schedules towards full compliance, the Borough is authorized, after written notice to the Discharger by certified mail 4 days in advance of such action, to sever or plug the connection from the Discharger's side sewer to the Sewerage System or to cause the water service to the premises of the Discharger to be shut off.

Section 7.5. Supplemental Enforcement Action. The Borough may call upon the District Attorney to institute and pursue any necessary legal proceedings in order to enforce the provisions of this ordinance to abate a public nuisance or health hazard resulting from any discharge, and the Borough Attorney to maintain an action injunction to abate any discharge or cause the correction or removal of any violation of this ordinance.

8. NOISE REGULATION

SECTION ONE - DECLARATION OF POLICY

It is hereby declared to be the policy of this Borough that peace, health, safety, and welfare of its citizens require protection from excessive, unnecessary, and unreasonable noises from any and all sources in the community. It is the intention of the Borough council to control the adverse effect of such noise sources on the citizens under any condition of use, especially those conditions of use that have the most severe impact on any person.

SECTION TWO - DEFINITIONS

For the purposes of this ordinance, certain terms are defined as follows:

(a) Sound level, expressed in decibels (dB), is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9 or successor reference. All references to dB in this ordinance utilize the A - level weighting scale, abbreviated A, measured as set forth in this section.

(b) Precision sound level meter is a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, "Specification for Sound Level Meters."

(c) Noise level is the maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using "A" weighting scale, and the meter response function set to "Slow."

(d) Local ambient is the lowest sound level repeating itself during a six (6) minute period as measured with a precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this ordinance, in no case shall the local ambient be considered or determined to be less than (1) 30 dBA for interior noise with respect to the requirements set forth in Section Three (b) of this ordinance, and (2) 40 dBA with respect to requirements set forth in all other sections. If a significant portion of the local ambient is produced by one or more individual identifiable sources that would otherwise be operating continuously during the six minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

(e) A vehicle is any device by which any person or property may be propelled, moved or drawn on a highway or street.

(f) Property plane is a vertical plane passing through a property line, which determines the property boundaries in space.

(g) Emergencies are essential activities necessary to restore, reserve, protect, or save lives or property from imminent danger of loss or harm.

SECTION THREE - RESIDENTIAL PROPERTY NOISE LIMITS

(a) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination of same, on residential property, a noise level more than 6 dB above the local ambient at any point outside of the property planes.

(b) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than 6 dB above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed,

except within the dwelling unit in which the noise source or sources may be located.

SECTION FOUR - COMMERCIAL AND INDUSTRIAL PROPERTY NOISE LIMITS

No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than 8 dB above the local ambient at any point outside of the property planes.

SECTION FIVE - PUBLIC PROPERTY NOISE LIMITS

(a) no person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than 15 dB above the local ambient at a distance of twenty-five (25) feet or more, unless otherwise provided in this ordinance.

(b) Sound performances and special events not exceeding 80 dBA measured at a distance of fifty (50) feet are exempt from this ordinance when approval therefor has been obtained from the appropriate governmental entity, as provided in the Borough Code.

(c) Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

SECTION SIX - SPECIAL PROVISIONS

(a) Daytime exceptions. Any noise source that does not produce a noise level exceeding 70 dBA at a distance of twenty-five (25) feet under its most noisy condition of use shall be exempt from the provisions of Sections Three (a), Four and Five (a) between the hours of 8 a.m. and 8 p.m. daily, except on Sundays and holidays, when the exemption herein shall apply between 10 a.m. and 6 p.m.

(b) Safety devices. Aural warning devices that are required by law to protect the health, safety, and welfare of the community shall not produce a noise level more than 3 dB above the standard of minimum level stipulated by law.

(c) Construction. Notwithstanding any other provision of this ordinance, between the hours of 8 a.m. and 8 p.m. daily, except Sundays and holidays, when the exemption herein shall apply between 10 a.m. and 6 p.m., construction, alteration, or repair activities that are authorized by a valid borough permit shall be allowed if they meet at least one of the following noise limitations:

(1) No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty-five (25) feet. If the device is housed within a structure on property, the measurement shall be made outside the structure at a distance as close to twenty-five (25) feet from the equipment as possible.

(2) The noise level at any point outside of the property plans of the project shall not exceed 86 dBA.

SECTION SEVEN - VIOLATIONS

Any person violating any of the provisions of this ordinance shall, for each such offense, be punished by a fine of not less than \$300.00 Dollars nor more than \$1,000.00 Dollars, or by imprisonment for not more than 30 days for each offense.

V. REPEALER

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.


VI. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance of any part thereof. The Borough Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional or invalid or ineffective.

VII. EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after its passage and publication according to law.

Passed by the Council of the Borough of Dunmore on
JANUARY 17, 1990.



THOMAS GOLDEN, PRESIDENT

ATTEST:

Arthur J. Moran

ARTHUR J. MORAN, Borough Secretary

APPROVED:

JOSEPH DOMNICK, MAYOR

EXHIBIT "A"

Emissions	(Surrogate)	Emission Reduction (tons/yr in 5th yr)	Overall Control Efficiency
MWC Metals	PM	7,000	= 99 %
MWC Organics	Dioxin/Furan	34 (1b/yr)	= 90 %
MWC Acid Gas	SO ₂ /HCl	96,000	= 90 %
NO _x	NO _x	13,000	= 40 %

NSPS

EMISSION GUIDELINES^d

Materials Separation^{e, f}

- ⇒ 25% reduction of MSW (reduction from one or more of the following: paper, metal, glass, plastic, yard waste (10% max credit).
- ⇒ Prohibition on incineration of automotive type lead/acid batteries
- ⇒ Set up program to remove household batteries.

Good Combustion Practices (GCP)

- ⇒ CO --- 90 to 180 ppmv
- ⇒ Maximum load -- 100% of demonstrated
- ⇒ Maximum exhaust gas temperature --- 450° F
- ⇒ ASME operator certification
- ⇒ Site specific operating manual

MWC Metal Emissions

- | | |
|-------------------------|--|
| ⇒ PM - 0.015 g/dscf | PM - 0.015 g/dscf (MWC >2200 t/d)
0.030 g/dscf (MWC ≤2200 t/d) |
| ⇒ Opacity - 10% | Opacity - 10% |
| ⇒ Basis - Fabric filter | Basis - Fabric filter (MWC >2200 t/d)
ESP Upgrade (MWC ≤2200 t/d) |

MWC Organic Emissions

- | | |
|---|--|
| ⇒ COO/COF | |
| 5-30 ng/Kwh ³ (MWC >250 t/d) | 5-30 ng/Kwh ³ (MWC >2200 t/d) |
| 75 ng/Kwh ³ (MWC ≤250 t/d) | 125 ng/Kwh ³ (MWC >250 t/d) ^c
500 ng/Kwh ³ (MWC ≤250 t/d) ^b |
| ⇒ Basis - | |
| GCP+SD+fabric filter (MWC >250 t/d) | GCP+SD+fabric filter (MWC >2200 t/d) |
| GCP+DSI+fabric filter (MWC ≤250 t/d) | GCP+DSI+ESP(upgrade) (MWC ≤250 t/d)
GCP+ESP(upgrade) (MWC ≤250 t/d) |

MWC Acid Gas Emissions

- | | |
|--|---|
| ⇒ HCl - 95% or 25 ppmv (MWC >250 t/d)
80% or 25 ppmv (MWC ≤250 t/d) | 95% or 25 ppmv (MWC >2200 t/d)
50% or 25 ppmv (MWC >250 t/d) |
| ⇒ SO ₂ - 85% or 30 ppmv (MWC >250 t/d)
50% or 30 ppmv (MWC ≤250 t/d) | 85% or 30 ppmv (MWC >2200 t/d)
50% or 30 ppmv (MWC >250 t/d)
No HCl or SO ₂ control (MWC ≤250) |
| ⇒ Basis - | |
| SD+fabric filter (MWC >250 t/d) | SD+fabric filter (MWC >2200 t/d) |
| DSI+fabric filter (MWC >250 t/d) | DSI+ESP (upgrade) (MWC >250 t/d)
ESP(upgrade) (MWC ≤ 250 t/d) |

NO_x Emissions

- | | |
|--|------|
| ⇒ NO _x - 120-200 ppmv (MWC >250t/d) | N.A. |
| ⇒ Basis - selective noncatalytic reduction | |

Monitoring Requirements

- | | | |
|-----------------------|---|-------------------------|
| ⇒ NO _x | CEMS (24 hr) | N.A. |
| ⇒ SO ₂ | CEMS (24 hr) | CEMS (24 hr) |
| ⇒ Opacity | CEMS (6 min) | CEMS (6 min) |
| ⇒ GCP | CEMS (1 and 4 hr) | CEMS (1 & 4 hr) |
| ⇒ Material Separation | Annual average | Annual average |
| ⇒ PM, COO/COF & HCl | Annual stack test (MWC >250 t/d)
3rd yr stack test (MWC ≤ 250 t/d) | 3rd yr stack test (all) |

NOTES:

- a. All emission levels are at 7% O₂ concentration.
- b. Includes a 250 and 1000 ng/Kwh³ emission level for new and existing RDF fired MWC's ≤ 250 t/d, respectively.
- c. Includes a 250 ng/Kwh³ emission level for existing RDF fired MWC's >250 t/d.
- d. Except for materials separation, compliance required within 3 years of adoption of State regulation.
- e. Start program - 12/92
Program trial with report to EPA - 1/93-12/93
Demonstrate compliance - 1/94-12/94
- f. A combustion permit may be granted if the costs of recycling are equal or greater