

**Borough of Tarentum**

Allegheny County, Pennsylvania

**ORDINANCE NO. 26-\_\_**

**AN ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 25-09, THE TARENTUM BOROUGH WATER SERVICE ORDINANCE (CODE OF THE BOROUGH OF TARENTUM, CHAPTER 256 WATER), BY ADDING ARTICLE XIV ENTITLED "HIGH CONSUMPTION USERS, DATA CENTERS, AND LARGE UTILITY USERS."**

**WHEREAS**, Section 1201 of the Borough Code, 8 Pa.C.S. § 1202, entitled "Specific Powers," authorizes the Borough to make and adopt ordinances necessary for the proper management, care, and control of the Borough and its citizens and to provide for enforcement and penalties for violation thereof; and

**WHEREAS**, the Borough Code, 8 Pa.C.S. § 1202 et seq., authorizes the Borough to acquire, own, operate, and maintain utilities and other facilities and services, and to make and regulate charges for the same for general Borough purposes; and

**WHEREAS**, the Borough of Tarentum owns and operates a public water system and is responsible for protecting public health and ensuring reliable service in accordance with the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.1 et seq., and regulations of the Pennsylvania Department of Environmental Protection, including 25 Pa. Code Chapter 109, as amended; and

**WHEREAS**, Borough Council recognizes that data centers, artificial intelligence computing facilities, cryptocurrency mining facilities, and other high-density computing uses may require significant water resources for cooling, process operations, fire suppression systems, and future expansion, and that such demands may adversely impact treatment capacity, storage capacity, fire protection capability, hydraulic performance, distribution system reliability, and DEP regulatory compliance; and

**WHEREAS**, Borough Council finds that protecting existing customers from unreasonable costs, preserving fire protection capacity, maintaining DEP compliance, and preserving future water system capacity for residential, commercial, governmental, and industrial growth constitute legitimate public purposes within the Borough's water utility management authority; and

**WHEREAS**, the Pennsylvania Data Center Toolkit (May 2026) advises municipalities to require transparency around water usage, to condition service on hydraulic capacity analysis and storage assessment, and to protect existing customers from costs caused by extraordinary water demands; and

**WHEREAS**, Borough Council desires to establish clear standards and procedures for high water consumption service applications consistent with DEP requirements and the Borough's authority under the Borough Code and the Pennsylvania Safe Drinking Water Act;

**NOW, THEREFORE**, be it enacted and ordained by the Borough Council of the Borough of Tarentum, Allegheny County, Pennsylvania, as follows:

## **ARTICLE XIV HIGH CONSUMPTION USERS, DATA CENTERS, AND LARGE UTILITY USERS**

This Article is hereby added to Ordinance No. 25-09, the Tarentum Borough Water Service Ordinance, and shall be incorporated into Chapter 256 of the Code of the Borough of Tarentum as applicable.

### **Section 14.1 – Purpose**

The purpose of this Article is to:

- A. Protect public health and safety as required by the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.1 et seq., and 25 Pa. Code Chapter 109.
- B. Protect the integrity and reliability of the Borough's public water system.
- C. Preserve adequate fire flow and fire protection capacity throughout the Borough.
- D. Maintain the Borough's compliance with all Pennsylvania Department of Environmental Protection (DEP) permits, regulations, and orders.
- E. Protect existing customers from unreasonable costs caused by large-demand users.
- F. Preserve future water system capacity for residential, commercial, governmental, and industrial growth.
- G. Establish review procedures and minimum requirements for customers imposing unusually large water demands.

### **Section 14.2 – Definitions**

The following definitions apply to this Article. Terms defined in § 265-203 of Chapter 265 (Zoning) of the Code of the Borough of Tarentum shall have the meanings set forth therein.

**AI COMPUTING FACILITY.** Shall have the meaning established in § 265-203 of the Code of the Borough of Tarentum, as amended.

**CRYPTOCURRENCY MINING FACILITY.** Shall have the meaning established in § 265-203 of the Code of the Borough of Tarentum, as amended.

**DATA CENTER.** Shall have the meaning established in § 265-203 of the Code of the Borough of Tarentum, as amended.

**HYPERSCALE DATA CENTER.** Shall have the meaning established in § 265-203 of the Code of the Borough of Tarentum, as amended.

**LARGE COMPUTING FACILITY.** Shall have the meaning established in § 265-203 of the Code of the Borough of Tarentum, as amended.

**HIGH CONSUMPTION USER.** Any customer projected to utilize: (A) twenty-five thousand (25,000) gallons per day average demand; or (B) fifty thousand (50,000) gallons per day peak demand; or (C) any volume determined by the Borough Manager, Borough Engineer, Water Department, or Borough Council to have a material impact upon Borough water system capacity, fire protection capability, storage reserves, or DEP regulatory compliance.

**SPECIAL WATER SERVICE AGREEMENT.** A written agreement approved by Borough Council establishing conditions, obligations, costs, responsibilities, and operating requirements for service to a High Consumption User pursuant to Sections 3.1 and 10.2 of Ordinance No. 25-09.

### **Section 14.3 – Applicability**

This Article shall apply to all of the following:

- A. Data Centers.
- B. AI Computing Facilities.
- C. Cryptocurrency Mining Facilities.
- D. Hyperscale Data Centers.
- E. Large Computing Facilities.
- F. Any High Consumption User as defined in Section 14.2.

### **Section 14.4 – Special Water Service Agreement Required**

No customer subject to this Article shall receive water service from the Borough unless and until:

- A. The applicant has submitted a complete application as required by Ordinance No. 25-09 and this Article;
- B. All required engineering studies have been submitted and reviewed pursuant to Section 14.5;
- C. Borough Council has approved a Special Water Service Agreement pursuant to Sections 3.1 and 10.2 of Ordinance No. 25-09; and
- D. The applicant has satisfied all conditions established by Borough Council.

The Borough reserves the right to reject any application where adequate capacity does not exist or where service would adversely impact public health, fire protection, DEP compliance, or existing customers.

### **Section 14.5 – Required Engineering Studies**

Prior to approval of a Special Water Service Agreement, the applicant shall submit, at minimum, the following studies prepared by a professional engineer licensed in the Commonwealth of Pennsylvania:

- A. Water Demand Study identifying average and peak daily demands, including worst-case projections.
- B. Hydraulic Capacity Analysis demonstrating available system capacity under average and peak demand conditions.
- C. Fire Flow Analysis confirming that required fire flow capacity will be maintained at all locations within the Borough's system after service to the applicant is added.
- D. Storage Capacity Assessment evaluating available storage reserves under average, peak, and emergency demand scenarios.
- E. Distribution System Impact Study analyzing pressure, flow, and water quality effects throughout the Borough's distribution system.
- F. Water Quality Impact Analysis addressing potential changes to water age, disinfection residuals, and DBP formation resulting from the proposed demand.
- G. Future Expansion Analysis covering a minimum of ten (10) years.

- H. Emergency Water Supply Plan describing facility response to curtailments, water emergencies, and DEP emergency orders.
- I. Cooling System Description identifying water source, cooling technology, water consumption methodology, and comparison of alternatives.
- J. Water Reuse and Conservation Plan describing measures to minimize water consumption, including closed-loop cooling, water recycling, and water reuse systems.

The Borough Manager, Borough Engineer, Water Department, or Borough Council may require additional studies as necessary to evaluate the application.

#### **Section 14.6 – Independent Review at Applicant's Expense**

The Borough may retain independent engineers, water system consultants, legal counsel, financial consultants, and DEP regulatory specialists to review applications and submitted materials. All costs of independent review shall be paid by the applicant prior to Borough Council action on the Special Water Service Agreement.

#### **Section 14.7 – Applicant Responsibility for Infrastructure Improvements**

The applicant shall bear the full cost of all water system infrastructure improvements required to serve the proposed demand, including but not limited to:

- A. Water main extensions, replacements, and upsizing.
- B. Storage improvements, including elevated storage or ground-level storage.
- C. Booster station facilities and pressure management equipment.
- D. SCADA improvements, metering improvements, and monitoring equipment.
- E. Treatment facility improvements required by increased demand or water quality impacts.
- F. Any other facilities necessary to provide service without adverse impact on existing customers.

No costs of infrastructure improvements required solely or primarily to accommodate a High Consumption User shall be transferred to existing Borough customers. This provision is consistent with Section 9.3 (Distribution Main Extensions) of Ordinance No. 25-09.

#### **Section 14.8 – Grounds for Denial – Fire Protection**

The Borough shall deny service where the Borough Engineer or Borough Manager determines that the proposed water usage would:

- A. Reduce fire flow capacity below the minimum required by the applicable fire code at any point in the Borough's distribution system.
- B. Reduce available storage reserves below levels required to maintain adequate emergency supply.
- C. Impair the Borough's ability to respond to simultaneous fire emergencies.
- D. Otherwise adversely affect public safety.

Fire protection capacity shall be evaluated under peak demand conditions for both the proposed facility and the existing system. No approval shall be granted where fire protection capacity cannot be confirmed without additional infrastructure at the applicant's expense.

#### **Section 14.9 – Grounds for Denial – DEP Compliance**

The Borough may deny service where the proposed demand may:

- A. Adversely affect treatment plant performance or effluent water quality.
- B. Increase the risk of regulatory violations under 25 Pa. Code Chapter 109 or the Pennsylvania Safe Drinking Water Act.
- C. Require infrastructure improvements that are not economically feasible for the Borough to undertake.
- D. Adversely affect the Borough's compliance with existing DEP permits, orders, or consent agreements.

The Borough Manager shall consult with the Borough's DEP permit coordinator and engineer prior to any recommendation on a Special Water Service Agreement for a High Consumption User.

#### **Section 14.10 – Grounds for Denial – Future Growth Protection**

The Borough may deny service where:

- A. Capacity is required to serve future residential, commercial, or industrial growth in the Borough.
- B. The proposed demand would unreasonably consume available system capacity that has been reserved or planned for future growth.
- C. Service would compromise the Borough's ability to extend water service to areas within the Borough not currently served.

#### **Section 14.11 – Water Conservation Requirements**

As a condition of a Special Water Service Agreement, the Borough may require the applicant to implement reasonable conservation measures, including:

- A. Closed-loop or recirculating cooling systems that minimize consumptive water use.
- B. Water recycling and reuse systems.
- C. Real-time leak detection and monitoring systems.
- D. Water use benchmarking and annual reporting to the Borough Water Department.
- E. Other conservation measures determined appropriate by the Borough Engineer or Borough Council.

The Borough may establish maximum water use benchmarks in the Special Water Service Agreement based on industry standards and the Borough's available capacity.

#### **Section 14.12 – Drought and Emergency Restrictions**

In addition to any restrictions imposed upon other customers pursuant to Section 10.7 (Conservation and Water Use Restrictions) of Ordinance No. 25-09, customers subject to this Article may be required by the Borough to:

- A. Reduce consumption by a specified percentage during drought declarations or water emergencies.
- B. Curtail non-essential water use during distribution system emergencies or infrastructure failures.
- C. Implement emergency conservation measures consistent with DEP emergency orders.

Failure to comply with a Borough curtailment or emergency restriction order shall constitute grounds for immediate termination of service pursuant to Section 7.3 (Immediate Termination Without Notice) of Ordinance No. 25-09.

#### **Section 14.13 – Cross-Connection and Backflow Protection**

Customers subject to this Article shall comply with Section 4.6 (Auxiliary Water Supplies & Cross-Connection Control) of Ordinance No. 25-09, and shall additionally:

- A. Install and maintain approved backflow prevention devices at all service connection points, subject to annual testing and certification filed with the Borough.
- B. Install such additional monitoring equipment as the Borough Engineer may require to protect water quality in the distribution system.
- C. Immediately report any cross-connection event, contamination event, or backflow device failure to the Borough Water Department.

Failure to maintain backflow prevention protections shall constitute grounds for immediate termination of service pursuant to Section 7.3 of Ordinance No. 25-09.

#### **Section 14.14 – Security Deposits and Financial Guarantees**

Consistent with Article VI (Deposits) of Ordinance No. 25-09, Borough Council may require, as a condition of a Special Water Service Agreement, one or more of the following:

- A. Cash deposit.
- B. Irrevocable letter of credit from a financial institution acceptable to the Borough.
- C. Performance bond.
- D. Escrow account.

The amount and form of financial security shall be determined by Borough Council based on the scope of infrastructure improvements, estimated service costs, and risk to existing Borough customers.

#### **Section 14.15 – Limitation on Demand Expansion**

No customer approved under this Article may increase its average or peak water demand by more than ten percent (10%) above the demand levels approved in the Special Water Service Agreement without submitting updated engineering studies and receiving prior approval of Borough Council. Any expansion that would exceed the High Consumption User threshold under Section 14.2 shall require full compliance with this Article.

#### **Section 14.16 – Annual Reporting**

Each customer subject to this Article shall provide an annual report to the Borough Manager and Water Department by March 1 of each year, covering the prior calendar year and including:

- A. Average and peak water consumption, by month.
- B. Cooling system operational data, including water consumption per cooling method.
- C. Water conservation and reuse activities.
- D. Any facility expansion plans for the next five (5) years.
- E. Backflow prevention device testing and certification records.

#### **Section 14.17 – Relationship to Other Ordinances and Regulations**

Nothing in this Article relieves any applicant from compliance with:

- A. Chapter 265 (Zoning) of the Code of the Borough of Tarentum, including the conditional use approval requirements established by Ordinance No. 26-\_\_ (Data Center and High-Density Computing Facilities Zoning Ordinance).
- B. Ordinance No. 25-08, the Tarentum Borough Electric Service Ordinance, as amended, including Article XIV.
- C. Chapter 204 (Sewers) of the Code of the Borough of Tarentum and all applicable sewer authority regulations.
- D. The Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.1 et seq., and 25 Pa. Code Chapter 109.
- E. The Pennsylvania Stormwater Management Act, 32 P.S. § 680.1 et seq.
- F. All applicable DEP permits, regulations, and orders.
- G. All applicable Borough ordinances, including Chapter 116 (Floodplain Management) and Chapter 220 (Subdivision and Land Development).

#### **Section 14.18 – Violations and Remedies**

Violation of any provision of this Article shall constitute a violation of Ordinance No. 25-09, the Tarentum Borough Water Service Ordinance. In addition to the penalties and remedies provided under Article XIII (Enforcement and Penalties) of Ordinance No. 25-09, the Borough may:

- A. Terminate or suspend water service pursuant to Article VII of Ordinance No. 25-09.
- B. Revoke any Special Water Service Agreement approval.
- C. Recover all costs, damages, and expenses, including engineering, legal, and administrative expenses.
- D. Pursue civil remedies and injunctive relief in a court of competent jurisdiction.

#### **Section 14.19 – Severability**

If any provision of this Article is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the remainder of this Article and of Ordinance No. 25-09 shall remain in full force and effect pursuant to § 1-14 of the Code of the Borough of Tarentum.

#### **Section 14.20 – Effective Date**

This Article shall become effective five (5) days following enactment, consistent with the Borough Code, 8 Pa.C.S. § 1006.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2026.

**BOROUGH OF TARENTUM**

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President of Council

**ATTEST:**

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Borough Secretary