

DOCKET NO. D-1987-015 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Borough of East Stroudsburg
Wastewater Treatment Plant
East Stroudsburg Borough, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Glace Associates, Inc. on behalf of the Borough of East Stroudsburg (docket holder) on September 23, 2014 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0020168 A-1 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on August 20, 2012.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact (Compact)*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 10, 2016.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 2.25 million gallon per day (mgd) WWTP and its related discharge. No modifications to the WWTP are proposed.
- 2. Location.** The docket holder's WWTP is located on Forge Road in the Borough of East Stroudsburg, Monroe County, Pennsylvania. The WWTP will continue to discharge to Brodhead Creek at River Mile 213.0 – 3.5 (Delaware River – Brodhead Creek) and is located in the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Water (SPW).

The project outfall is located in the Brodhead Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40 ° 59' 3"	75 ° 10' 48"

3. Area Served. The docket holder's WWTP will continue to serve the Borough of East Stroudsburg and portions of Stroud and Smithfield Townships in Monroe County, Pennsylvania that are included in East Stroudsburg's Act 537 Plan in effect as of February 2016. (The latter are shown as hatched areas on the maps labeled Stroud Township Sewer Service Area 2014 Plan No. 1 and Smithfield Township Sewer Service Area Plan No. 1, included with the Application). This docket updates the DRBC approval to include the referenced portions of Stroud and Smithfield Townships, which were not previously included in the "Area Served" approved by the Commission.

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. Physical features.

a. Design criteria. The docket holder's 2.25 mgd WWTP features two (2) separate treatment trains utilizing different treatment processes, followed by chlorine contact disinfection and sludge handling. The first treatment train is a 1.25 mgd dual stage trickling filter and the second treatment train is a 1.0 mgd sequencing batch reactor (SBR).

b. Facilities. The existing WWTP facilities consist of a comminutor, a grit screen, and a distribution box for dividing influent flows between the two (2) treatment trains, the SBR treatment train, and the dual stage trickling filter train. The SBR treatment train consists of two (2) 500,000 gallon per day (gpd) SBR units, two (2) chlorine contact tanks, and two (2) aerobic digesters. The trickling filter treatment train consists of two (2) primary settling tanks, a primary trickling filter, a secondary trickling filter, two (2) final settling tanks, a chlorine contact tank, and an anaerobic digester.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a diesel generator installed capable of providing standby power. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The existing WWTP has a RACO dialer system installed that continuously monitors plant operations. (SPW)

The docket holder has not prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements for the existing WWTP. The docket holder is required as part of this docket approval to prepare and submit an EMP to the DRBC for approval within six (6) months of approval of this docket (See DECISION Condition II.n.). (SPW)

The project facilities are not located in the 100-year floodplain.

Waste sludge will continue to be hauled off-site by a licensed hauler for disposal at a state approved facility.

c. **Water withdrawals.** The potable water supply in the project service area is as follows:

i. Borough of East Stroudsburg – the docket holder’s public water supply utilizing ground water wells and an approved surface water source supported by a reservoir system and diversion;

ii. Stroud Township - public water supply through the Brodhead Creek Regional Authority (BCRA) with water (a) supplied by BCRA sources or (b) purchased from East Stroudsburg Borough through a bulk purchase agreement and authorized by a subsidiary water allocation permit;

iii. Smithfield Township – a portion of the service area is serviced by the BCRA with water purchased from East Stroudsburg Borough through a bulk purchase agreement and authorized by a subsidiary water allocation permit. The remaining portion of the Smithfield service area is supplied by on-site wells.

The water withdrawals are described in detail in Docket Nos. D-1992-072 CP-2 (docket holder) and D-1991-001 CP-3 (BCRA), which were approved on June 11, 2014 and September 12, 2013, respectively.

d. **NPDES Permit / DRBC Docket.** PADEP issued NPDES Permit No. PA0020168 A-1 for the project discharge on August 20, 2012, which includes effluent limits for the project discharge to surface waters classified as trout stocking fishery (TSF) and migratory fishery (MF). The following average monthly effluent limits and monitoring requirements, based on a flow of 2.25 mgd, are for DRBC parameters listed in the NPDES permit that meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit

OUTFALL 001 (Brodhead Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.0 to 9.0	As required by NPDES permit
Total Suspended Solids	30 mg/l	As required by NPDES permit
CBOD (5-Day at 20° C)	25 mg/l	As required by NPDES permit
Fecal Coliform		
5/1 – 9/30	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
10/1 – 4/30	2,000 colonies per 100 ml as a geo. avg.	
Ammonia as Nitrogen		As required by NPDES permit
5/1 – 10/31	9.5 mg/l	

The following average monthly effluent limits and monitoring requirements are not listed in the NPDES permit and are effluent requirements of the DRBC, to go into effect upon issuance of this docket.

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES permit

OUTFALL 001 (Brodhead Creek)		
PARAMETER	LIMIT	MONITORING
Ammonia as Nitrogen 11/1 – 4/30	20 mg/l	Monthly
Dissolved Oxygen	Monitor & Report	Monthly
Nitrate + Nitrite as N	Monitor & Report	Monthly
Total Kjeldahl Nitrogen (TKN)	Monitor & Report	Monthly
Total Phosphorous	Monitor & Report	Monthly
Total Dissolved Solids*	Monitor & Report	Quarterly
CBOD (5-Day at 20° C) Influent	Monitor & Report	Monthly

* See Condition II.r. in DECISION section

e. **Relationship to the Comprehensive Plan.** The WWTP was added to the Comprehensive Plan via Resolution No. R-62-14 on July 25, 1962, and modified via Docket Nos. D-1987-015 CP-1 and D-1987-015 CP (REV) on March 25, 1987 and October 26, 1988.

B. FINDINGS

This docket renews the approval of the docket holder's existing 2.25 mgd WWTP and updates the approved service area of the existing WWTP. No modifications to the WWTP facilities are proposed.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Upper/Middle SPW)

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does entail additional

expansion of service area and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time.

The stormwater management ordinance requirements contained in the Brodhead-McMichael Creek Watershed Act 167 Plan (Act 167 Plan), approved by the PADEP on March 10, 2006, satisfy the NPSPCP of the Commission. The municipalities served by the WWTP and containing the expanded service area approved by this docket (East Stroudsburg Borough and Stroud and Smithfield Townships) have adopted and implemented a stormwater ordinance in accordance with the Act 167 Plan. Accordingly, DECISION Condition II.m. has been included in this docket.

Just downstream of the project discharge location at USGS Gage No. 01442500 (Brodhead Creek at Minisink Hills), the Brodhead Creek has an estimated seven-day low flow with a recurrence interval of ten years of 33.0 mgd (51.1 cfs). The ratio of this low flow to the design waste water discharge from the 2.25 mgd WWTP is approximately 15 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is owned and operated by the City of Easton, located on the Delaware River approximately 30 miles downstream of the project discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1987-015 CP-3 below:

a. The projects described in Docket Nos. D-1987-015 CP-1 and D-1987-015 CP-REV are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1987-015 CP-3; and

b. Docket Nos. D-1987-015 CP-1 and D-1987-015 CP-REV are terminated and replaced by Docket No. D-1987-015 CP-3 and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR* and *Flood Plain Regulations (FPR)*.

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email **amr@drbc.nj.gov** on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/application/index.html>. The monitoring results shall be submitted annually, absent any observed limit violations, by March 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder’s Application to the extent consistent with all other conditions of this DECISION Section.

i. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Prior to allowing connections from any new service areas which are not covered by an approved Act 167 ordinance, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

n. The docket holder shall prepare and implement an EMP within six (6) months of docket approval. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by September 16, 2016.

o. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least six (6) months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

r. The docket holder is required to perform quarterly TDS effluent sampling in accordance with EFFLUENT TABLE A-2 in Section A.4.d. of this docket, beginning as of April 1, 2016. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

t. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

BY THE COMMISSION

DATE APPROVED: March 16, 2016

EXPIRATION DATE: August 31, 2020