

DOCKET NO. D-2007-006-3

DELAWARE RIVER BASIN COMMISSION

**Cott Beverages, Inc.
Industrial Wastewater Treatment Plant
Concord Township, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by EarthRes Group Inc. on behalf of Cott Beverages, Inc. (the docket holder) on October 28, 2015 (Application) for renewal of the docket holder's existing industrial wastewater treatment plant (IWTP) and approval of a modification to the docket holder's beverage production facility. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050431 for the project IWTP on January 17, 2013.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware 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 0.08 million gallon per day (mgd) IWTP and its discharge. In addition, this docket approves a modification to the docket holder's facility to replace the existing process water softening equipment with a proposed reverse osmosis (RO) treatment unit, and approves a new wastewater discharge of reject water from the proposed RO unit. The permeate (or product) from the RO unit will be used in the docket holder's beverage production process. The reject water from the RO unit will be either routed for treatment to the IWTP or will bypass the IWTP and combine with the IWTP effluent prior to discharge. The existing IWTP treatment process will not be modified. The PADEP and DRBC have based effluent limitations for the IWTP on an annual average discharge flow of 0.07 mgd.

2. Location. The project IWTP is located at the docket holder's beverage production facility at the intersection of Conchester Road and Alden Avenue in Concord Township, Delaware County, Pennsylvania. The facility and its IWTP will continue to discharge treated industrial wastewater effluent to an unnamed tributary to West Branch Chester Creek, which is tributary to Chester Creek, at River Mile 82.93 - 8.37 - 6.30 - 0.1 (Delaware River - Chester Creek - West Branch Chester Creek – UNT West Branch Chester Creek) via Outfall No. 001.

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

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 53' 28"	75° 31' 50"

3. **Area Served.** The project IWTP will continue to serve the docket holder's beverage (soft drinks and carbonated water) production facility in Concord Township, Delaware County, Pennsylvania.

For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The docket holder's beverage production facility utilizes water supplied by the public potable water provider in the facility's beverage production process. Potable water is treated using high lime clarification (softening), filtration, dechlorination with carbon filtration, and ultraviolet light (UV) disinfection prior to use in the production process. Reject water from this process is directed to the existing IWTP, which utilizes a membrane bio-reactor (MBR) treatment process. The IWTP also receives and treats non-contact cooling water (NCCW) from compressors at the facility. The IWTP is designed and permitted by the PADEP to treat an average annual flow of 0.07 mgd, and is hydraulically designed to treat a flow up to 0.08 mgd. IWTP effluent will continue to be monitored at existing Monitoring Point No. 101 (MP 101).

The project modification consists of replacing the existing lime softening equipment with a proposed RO treatment unit. The RO permeate will be used as a low sodium source water in the production process. The RO reject water will either 1) be directed for treatment to the IWTP or 2) bypass the IWTP and combine with the IWTP effluent prior to discharging via Outfall No. 001. The RO reject water will be monitored at proposed Monitoring Point No. 201 (MP 201) prior to combining with the IWTP effluent. The IWTP treatment process will not be modified.

b. **Facilities.** The existing IWTP treatment process features a duplex raw water station with a pump removal system, an equalization tank, an aeration tank, a dissolved air flotation unit, an MBR system, and a sludge holding tank. The IWTP treatment process will not be modified. A portion of the reject water from the proposed new RO unit will be directed to the IWTP for treatment.

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

Wasted 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 provided by the Chester Water Authority, as described in detail in Docket No. D-1969-060 CP-1,

which was approved by the DRBC on May 28, 1969, and modified by Docket No. D-1984-055 CP-1, which was approved on August 2, 1989.

d. **NPDES Permit / DRBC Docket.** PADEP issued NPDES Permit No. PA0050431 for the existing IWTP on January 17, 2013, which includes effluent limitations for the IWTP discharge to surface waters classified by the PADEP as trout stocking fishery (TSF) and migratory fishery (MF). The following average monthly effluent limits to be met at MP 101, based on an annual average flow of 0.07 mgd, are among those listed in the current NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in the NPDES permit for MP 101

Monitoring Point No. 101 (IWTP Effluent)		
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)	20 mg/l	As required by NPDES permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.0 mg/l 6.0 mg/l	As required by NPDES permit
Temperature	110 ° F (Instantaneous Maximum)	As required by NPDES permit
Total Dissolved Solids	1,000 mg/l *	As required by NPDES permit

* See DECISION Condition II.t.

The following DRBC monitoring requirements for the IWTP effluent, to be met at existing MP 101, are not included in the current NPDES permit.

EFFLUENT TABLE A-2: DRBC Parameters Not Included in the NPDES Permit for MP 101

Monitoring Point No. 101 (IWTP Effluent)		
PARAMETER	LIMIT	MONITORING
CBOD (5-Day at 20° C) Influent	Monitor & Report	Weekly
Color *	Monitor & Report	Monthly

* See DECISION Condition II.u.

The following average monthly effluent limits and monitoring requirements are for the proposed RO reject bypass water not directed to the IWTP. These DRBC requirements are to be met at proposed MP 201, and are not included in the current NPDES permit.

EFFLUENT TABLE A-3: DRBC Parameters Not Included in the NPDES permit for proposed MP 201

Monitoring Point No. 201 (RO Reject Wastewater)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.0 to 9.0	Daily
Total Suspended Solids	30 mg/l	Monthly

Monitoring Point No. 201 (RO Reject Wastewater)		
PARAMETER	LIMIT	MONITORING
CBOD (5-Day at 20° C) *	Monitor & Report	Monthly
Ammonia Nitrogen*	20 mg/l	Monthly
Temperature*	110 ° F (Instantaneous Maximum)	Weekly
Total Dissolved Solids**	1,000 mg/l	Monthly

* See DECISION Condition II.u.

** See DECISION Condition II.t.

- e. **Cost.** The overall cost of this project is estimated to be \$768,000.00.

B. FINDINGS

This docket renews the approval of the docket holder's existing 0.08 mgd IWTP and its discharge. This docket also approve 1) a modification to the docket holder's facility to replace the existing process water softening equipment with a proposed RO treatment unit and 2) a new wastewater discharge of reject water from the proposed RO unit. The IWTP treatment process will not be modified, and remain designed to treat an average annual flow of 0.07 mgd. The IWTP is hydraulically designed to treat a flow up to 0.08 mgd.

At the facility discharge location, the unnamed tributary West Branch Chester Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

There are no surface water intakes of record for public water supply 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 effluent 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 *Water Quality Regulations* (WQR) of the DRBC.

C. DECISION

I. Effective on the approval date for Docket No. D-2007-006-3 below, Docket No. D-2007-006-2 is terminated and replaced by Docket No. D-2007-006-3.

II. The project and appurtenant facilities as described in the 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 Part II 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 aemr@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 January 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. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

i. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

j. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction

Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

k. The facility modification shall be completed within three years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed by the expiration date of this docket and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the modification to the existing facility shall expire. If the docket expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

l. 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.

m. 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.

n. 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).

o. 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.

p. 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.

q. 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 12 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.

r. 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.

s. 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.

t. 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.

u. After one (1) year of effluent sampling for Color at MP 101 (EFFLUENT TABLE A-2), and Ammonia-Nitrogen, CBOD₅, and Temperature at proposed MP 201 (EFFLUENT TABLE A-3), the docket holder may request of the Executive Director in writing to modify the required monitoring for these parameters contained within this docket approval. Upon review, the Executive Director may modify the docket to reduce or eliminate the monitoring requirements contained in EFFLUENT TABLES A-2 and A-3 in Section A.4.d. of this docket. The monitoring shall continue until the docket holder has received written approval from the Executive Director.

v. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

w. 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.

BY THE COMMISSION

DATE APPROVED: March 16, 2016

EXPIRATION DATE: January 31, 2023