

DOCKET NO. D-1990-078 CP-6

DELAWARE RIVER BASIN COMMISSION

**Amity Township
Wastewater Treatment Plant
Amity Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 3, 2022 (Application), for approval of expansion of the docket holder’s existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0070351 A-1 for this discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued Water Quality Management Permit No. 0605411 for the expansion of the facility.

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*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 7, 2024.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an upgrade and expansion to the docket holder’s existing 2.2 million gallons per day (mgd) WWTP and its discharge. The proposed upgrade and expansion consists of increasing the plant’s annual average flow to 2.9 mgd and increasing the hydraulic design capacity to 4.35 mgd.

2. Location. The docket holder’s WWTP is located on Old Philadelphia Pike in Amity Township, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to the Schuylkill River, at River Mile 92.5 – 58.4 (Delaware River – Schuylkill River).

The location of the WWTP outfall in the Schuylkill Watershed is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 15’ 5”	75° 43’ 37”

3. Area Served. The docket holder’s WWTP will continue to serve Earl, Douglass, Union and Amity Township located in Berks County, Pennsylvania. For the purpose of defining the Area Served, the Type of Discharge and the Service Area sections from the docket holder’s Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. **DECISION** of this docket.

4. **Design Criteria.** The docket holder's existing and proposed methods for biological treatment is an oxidation ditch activated sludge process with aerobic and anoxic zones. Chlorine disinfection is currently being used; however, the proposed method of disinfection is ultraviolet light (UV).

5. **Facilities.** The WWTP facilities consist of screen and grit removal, three (3) influent pump stations, three (3) primary clarifiers, and oxidation ditch with three (3) channels, three (3) final clarifiers, two (2) chlorine contact tanks, four (4) digesters, including two (2) anaerobic digesters and two (2) aerobic digesters.

The WWTP expansion project will eliminate primary clarification from the treatment process and convert the existing anaerobic digesters and existing three (3) primary clarifiers to aerobic digesters for a total of seven (7) aerobic digesters. In addition, the facility upgrades involve the addition of a new oxidation ditch, upgrade of existing ditch equipment, addition of a new final clarifier, upgrade of existing clarifier equipment, upgrade of the influent screen and grit removal equipment, construction of new control building, replacement of chlorine disinfection with ultraviolet disinfection, and associated drivers, blowers, pumps, and control system upgrades.

Several of the WWTP facilities are located in the 100-year floodplain. The docket holder indicated in the application that the WWTP facilities located in the floodplain are not located in the floodway and are flood proofed up to the flood protection elevation (one foot above the 100-year flood elevation) via an earthen berm surrounding the WWTP. The berm was constructed to a height 4.5 feet above the 100-year flood elevation to protect the facility from flood events and was determined to satisfy the Commission's Flood Plain Regulations (FPR) with regards to flood-proofing as part of the review for Docket No. D-1990-078 CP-1, which was approved December 12, 1990). Flood pumps and back-water preventer flap valves are in place to pump treated effluent out of the WWTP during high river stages.

Wasted sludge will continue to be hauled off-site for disposal in accordance with the NPDES Permit No. PA0070351 A-1.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by Pennsylvania American Water Company, the Reading Area Water Authority, and the individual on-lot groundwater wells. The water withdrawals are described in detail in Dockets Nos. D-1999-030 CP-5 and D-2000-059 CP-3, which were approved on December 9, 2015 and March 10, 2021, respectively.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0070351 A-1 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water fishes and migratory fishes (WWF, MF). EFFLUENT TABLE C-1 included in Section C. DECISION condition C.1. of this docket, contains effluent requirements for DRBC parameters that must be met as a condition of this approval for both the existing flow of 2.2 mgd and the expanded flow of 2.9 mgd. Effluent requirements for Outfall No. 001 in the PADEP NPDES Permit No. PA0070351 A-1 are based on a discharge rate of 2.2 mgd for the existing flow and 2.9 mgd for the expanded flow.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was included in the Comprehensive Plan by Docket No. D-1972-054 CP-1 on March 29, 1973. The WWTP approval was renewed by Docket Nos. D-1990-078 CP-1, D-1990-078 CP-2, D-1990-078 CP-3, D-1990-078 CP-4, and D-1990-078 CP-5 on December 12, 1990, December 5, 2005, December 8, 2010, September 16, 2015, and June 10, 2020, respectively. Issuance of this docket will continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder applied for approval to upgrade and expand their existing 2.2 mgd WWTP and its discharge. The existing WWTP plans to execute an expansion project in 2024 to increase the plant's annual average flow to 2.9 mgd and to increase the hydraulic design capacity to 4.35 mgd. The plant expansion and improvements are referenced in Section A.5. above.

At the docket holder's WWTP discharge, the Schuylkill River has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 157 mgd (292 cfs). The ratio of this low flow to the hydraulic design wastewater discharge rate from the 2.2 mgd WWTP is 71 to 1 (157 mgd / 2.2 mgd). The ratio of the low flow to the hydraulic design wastewater discharge rate from the expanded 2.9 mgd WWTP is 54 to 1 (157 mgd / 2.9 mgd).

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 1.8 River Miles downstream of the docket holder's WWTP and is operated by Pottstown Water Authority.

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 conform with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

Effective on the approval date for Docket No. D-1990-078 CP-6 below, the project described in Docket No. D-1990-078 CP-5 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1990-078 CP-6; Docket No. D-1990-078 CP-5 is terminated and replaced by Docket No. D-1990-078 CP-6; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be included in the Comprehensive Plan. The project and appurtenant facilities as described in Section A of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.gov on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. 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. The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE C-1: DRBC Parameters Included in NPDES Permit for existing discharge flow of 2.2 mgd and expanded discharge flow of 2.9 mgd.

OUTFALL 001 (Schuylkill River)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l 85% minimum removal	As required by NPDES Permit
BOD ₅ / CBOD ₅ (5-Day at 20° C)	85% minimum removal	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	4 mg/l 12 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Dissolved Solids*	1,000 mg/l *	As required by NPDES Permit
BOD (5-Day at 20° C) Influent	Monitor & Report	As required by NPDES Permit

* See Section C. DECISION Condition C.6.

2. 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. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

3. 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; and (2) indicate the date on which the project was (or is to be) placed in operation.

Other Conditions

4. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams.
5. 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*.
6. 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.
7. Section 2.3.10 of the Commission's *Rules of Practice and Procedure (RPP)* (18 C.F.R. 401.41), limiting the Commission's approval to three years in the absence of an expenditure of substantial funds by the project sponsor in reliance on the approval, is hereby waived for good cause shown in accordance with Section 2.9.3 (18 C.F.R. 401.123) of the same regulations. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.
8. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 C.F.R. 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If 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, the terms and conditions of the current docket will remain fully effective and enforceable pending the grant or denial of the application for docket approval.
9. The docket holder is permitted to treat and discharge wastewater as set forth in the Area Served Section of this docket, which incorporates by reference the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section.

10. In accordance with the Commission's regulations at 18 C.F.R. Part 440, the docket holder is prohibited from discharging wastewater from high volume hydraulic fracturing ("HVHF") or HVHF-related activities to waters or land within the Basin. The docket holder is further prohibited from discharging hydraulic fracturing wastewater, whether treated or untreated, from sources within or outside the Basin, without obtaining the Commission's prior review and express approval in the form of a revised docket. Violation of this or any condition of this docket approval may result in enforcement, including the risk of financial penalties, pursuant to Section 14.17 of the Delaware River Basin Compact and Section 2.7.8 (18 CFR 401.98) of the Commission's Rules of Practice and Procedure.

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

12. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

13. 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.

14. 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.

15. 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.

16. 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).

17. 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, to ensure proper control, use and management of the water resources of the Basin.

18. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 C.F.R. 401.43).

19. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).

20. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).

21. 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.

22. 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 (RPP)*. 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.

BY THE COMMISSION

APPROVAL DATE: March 6, 2024

EXPIRATION DATE: April 30, 2029