

DOCKET NO. D-2007-001 CP-4

DELAWARE RIVER BASIN COMMISSION

**Maxatawny Township Municipal Authority
Wastewater Treatment Plant Renewal
Maxatawny 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 September 6, 2023 (Application), for renewal of the docket holder’s existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0260151 A-1 for this facility on June 10, 2021.

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 renew the approval of the docket holder’s existing 0.14 million gallons per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder’s WWTP is located off Krumsville Road, just north of its intersection with Route 222 in Maxatawny Township, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to Sacony Creek, which is tributary to Maiden Creek upstream of Lake Ontelaunee, which is tributary to the Schuylkill River, at River Mile 92.5 – 86.2 – 2.9 – 5.4 – 2.1 – 6.6 (Delaware River – Schuylkill River– Maiden Creek – Lake Ontelaunee – Maiden Creek – Sacony Creek).

The location of the WWTP outfall in the Sacony Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 31’ 52”	75° 47’ 12”

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's WWTP will continue to serve Maxatawny Township 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 WWTP utilizes a Modified Ludzak-Ettinger (MLE) activated sludge treatment process and ultraviolet light (UV) disinfection.
5. **Facilities.** The existing WWTP facilities consist of an influent pump station, a mechanical screen/grit removal chamber; a flow equalization tank; MLE tanks featuring an anoxic zone, aeration zone; a sludge holding tank; and UV disinfection.

The docket holder's wastewater collection system in Maxatawny Township collects sewage from existing and planned developments within Maxatawny Township directs flow to the existing Kutztown collection system where the flow mixes with flow from the Kutztown Borough. Prior to entering the Borough of Kutztown WWTP, a flow equal to that collected by the Maxatawny Township collection system flow is diverted to the docket holder's WWTP via an influent pump station located adjacent to the existing Borough of Kutztown WWTP. According to the docket holder, wastewater generated by the Borough of Kutztown has similar characteristics to the wastewater generated by Maxatawny Township.

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

Wasted sludge will continue to be hauled off-site for disposal in accordance with the NPDES Permit No. PA0260151 A-1.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the Borough of Kutztown. The docket holder's water withdrawal is described in detail in Docket No. D-1983-023 CP-4, which was approved on June 14, 2017.
7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0260151 A-1 issued by the PADEP includes final effluent limitations for the project discharge of 0.14 mgd to surface waters classified by the PADEP as supporting Cold Water Fishes (CWF) and Migratory Fishes (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.
8. **Relationship to the Comprehensive Plan.** The docket holder's existing WWTP was included in the Comprehensive Plan by Docket No. D-2007-001 CP-1 on March 3, 2010. The WWTP approval was continued in Docket Nos. D-2007-001 CP-2 and D-2007-001 CP-3 approved on March 12, 2014 and March 13, 2019, respectively. Issuance of this docket (D-2007-001 CP-4) will continue the WWTP in the Comprehensive Plan.

B. FINDINGS

The docket holder applied to renew approval of their existing 0.14 mgd WWTP and its discharge. No modifications to the WWTP are proposed.

According to the United States Geologic Survey's (USGS) StreamStats application, at the docket holder's WWTP discharge, Sacony Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 8.7 mgd (13.5 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.14 mgd WWTP is 62 to 1. In NPDES Permit No. PA0260151 A-1, the PADEP estimates the seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of the stream at Outfall 001 at 1.57 mgd (2.43 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.14 mgd WWTP is 11.21 to 1.

The nearest surface water intake of record for public water supply is located on Maiden Creek, downstream of Lake Ontelaunee, approximately 14 River Miles downstream of the docket holder's WWTP, and is operated by Reading Area 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 meeting 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-2007-001 CP-4 below, the project described in Docket No. D-2007-001 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-001 CP-4; Docket No. D-2007-001 CP-3 is terminated and replaced by Docket No. D-2007-001 CP-4; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be continued 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

OUTFALL 001 (Discharge to Sacony Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Dissolved Oxygen	5.0 minimum	As required by NPDES permit
Total Suspended Solids	30 mg/l	As required by NPDES permit
Total Suspended Solids Influent	Monitor and Report	As required by NPDES permit
CBOD5	25 mg/l	As required by NPDES permit
CBOD5 (at 20° C) Influent	Monitor and Report	As required by NPDES permit
Total Dissolved Solids*	Monitor and Report	As required by NPDES permit
Ammonia Nitrogen	20.0 mg/l	As required by NPDES permit
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
(10-1 to 4-30)	2,000 colonies per 100 ml as a geo. avg.	

* See DECISION Condition C.3.

Other Conditions

2. 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*.

3. 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.

4. Section 2.3.10 of the Commission's *Rules of Practice and Procedure* (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.
5. 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.
6. 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 DECISION Section.
7. 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*. The facility and operational records shall be available at all times for inspection by the DRBC.
8. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
9. 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.
10. 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.

- 11.** 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.
- 12.** 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).
- 13.** 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.
- 14.** The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).
- 15.** 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 CFR 401.43).
- 16.** 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 CFR 401.43).
- 17.** 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.
- 18.** 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.

BY THE COMMISSION

APPROVAL DATE: March 6, 2024

EXPIRATION DATE: April 30, 2029