

DOCKET NO. D-1994-044 CP-3

DELAWARE RIVER BASIN COMMISSION

**Borough of Bally
Wastewater Treatment Plant
Washington Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Systems Design Engineering, Inc. on behalf of the Borough of Bally (BB or docket holder) on February 10, 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. PA0022543 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on February 26, 2010, effective March 1, 2010. The PADEP is expected to renew the NPDES Permit shortly.

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 March 10, 2015.

A. DESCRIPTION

1. **Purpose**. The purpose of this docket is to renew approval of the docket holder's existing 0.5 million gallons per day (mgd) WWTP and its discharge.

2. **Location**. The WWTP will continue to discharge treated effluent to the West Branch Perkiomen Creek at River Mile 92.47 – 32.08 – 18.65 – 5.20 – 3.55 (Delaware River – Schuylkill River – Perkiomen Creek – Green Lane Reservoir – West Branch Perkiomen Creek) via Outfalls Nos. 001 and 002, in Washington Township, Berks County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 23' 24"	75° 33' 56"
002	40° 23' 44"	75° 34' 21"

3. **Area Served.** The docket holder's WWTP will continue to serve the Borough of Bally and portions of Washington Township, Berks County, Pennsylvania. 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 will continue to operate its existing 0.5 mgd WWTP.

b. **Facilities.** The WWTP consists of a control building, a mechanical comminutor with channel grinder and by-pass bar screen, a three-channel oxidation ditch with rotary aerators, a chemical addition system, two (2) 32-foot diameter final clarifiers, a flow equalization chamber, a dry well pump station, a sludge holding tank, two (2) combination thickeners/aerobic digesters, sludge drying beds, a filtration unit, and a chlorine disinfection system.

Due to inflow and infiltration (I&I) issues in the service area, flows at the plant have occasionally exceeded 1.3 mgd. The Borough of Bally constructed Outfall No. 002 for such occasions since Outfall No. 001 was designed to convey up to 1.3 mgd. Outfall No. 002 discharges to an unnamed tributary of the West Branch Perkiomen Creek. The PADEP has limited discharges from Outfall No. 002 to be allowed to occur only when the flow in the West Branch Perkiomen Creek is 4.3 cfs or greater (measured at Outfall No. 001).

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 supplied by the docket holder and was last approved by the Commission via Docket No. D-1978-019 CP-2 on December 10, 2008.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0022543 was issued by the PADEP on February 26, 2010 (effective March 1, 2010) and includes final effluent limitations for the project discharge of 0.5 mgd to surface waters classified by the PADEP as a cold water fishery (CWF). Renewal of the NPDES Permit is expected shortly. 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 A-1: DRBC Parameters Included in NPDES Permit

OUTFALLS 001 & 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
CBOD ₅ (at 20° C) Influent	Monitor & Report	As required by NPDES Permit

OUTFALLS 001 & 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C) Effluent	25 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	6.0 mg/l 12.0 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

The requirement in EFFLUENT TABLE A-2 is not listed in the NPDES Permit, was included in Docket No. D-1994-044 CP-2, and is a Commission basin-wide parameter that must continue to be met as a condition of this docket approval (See DECISION Condition II.d.). Commission staff have requested PADEP include this parameter in their renewed Permit.

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

OUTFALLS 001 & 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	2/Year

* See DECISION Condition II.p.

PADEP has required a Phosphorous limit of 0.5 mg/l and monitoring of dissolved oxygen for Outfalls Nos. 001 and 002. The DRBC does not require Phosphorous or dissolved oxygen monitoring outside of Special Protection Waters.

e. **Cost.** There are no construction costs associated with this WWTP renewal.

f. **Relationship to the Comprehensive Plan.** The docket holder's WWTP was first included in the Comprehensive Plan via Docket No. D-66-107 CP on June 26, 1966. It was approved for upgrade via Dockets Nos. D-75-87 CP and D-94-44 CP on July 23, 1975 and April 26, 1995, respectively. Issuance of this docket will continue approval of the docket holder's 0.5 mgd WWTP in the Comprehensive Plan (See DECISION Condition I.c.).

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.5 mgd WWTP and its discharge.

According to the United States Geological Survey (USGS) Streamstats program the West Branch Perkiomen Creek at docket holder's WWTP discharge has an estimated seven-day low flow with a recurrence interval of ten years (Q₇₋₁₀) of 2.0 mgd (3.12 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.5 mgd WWTP is 4 to 1.

The nearest surface water intake of record for public water supply is located on Perkiomen Creek approximately 26 River Miles downstream of the docket holder's WWTP, and is operated by Aqua Pennsylvania.

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 Commission's *Water Quality Regulations (WQR)*.

C. DECISION

I. Effective on the approval date for Docket No. D-1994-044 CP-3 below:

a. The project described in Docket No. D-1994-044 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1994-044 CP-3; and

b. Docket No. D-1994-044 CP-2 is terminated and replaced by Docket No. D-1994-044 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*.

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.state.nj.us 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. 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. 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.

n. 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.

o. 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.

p. 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.

q. 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 11, 2015

EXPIRATION DATE: February 28, 2020