

DOCKET NO. D-2006-029-2

DELAWARE RIVER BASIN COMMISSION

**Niagara Bottling, LLC
Water Filtration Plant
Hamburg Borough, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Niagara Bottling, LLC (Niagara) on June 3, 2014 (Application), for renewal of the docket holder's existing water filtration plant (WFP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0260444 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on July 24, 2007, effective August 1, 2007. On December 29, 2009, the permit was terminated due to a cessation of discharge from this WFP to Kaercher Creek. The Niagara WFP is currently discharging to the Hamburg Municipal Authority sewage treatment facility.

The Application was reviewed for continuation and approval under Section 3.8 of the Delaware River Basin Compact. The Berks County Planning Commission has been notified of pending action on this docket. 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 0.1008 million gallons per day (mgd) WFP and its related discharge.
- 2. Location.** The docket holder may decide in the future to use Outfall No. 1 which discharges treated effluent to Kaercher Creek, a tributary of the Schuylkill River at or near River Mile 92.47 – 97.87 – 0.17 (Delaware River – Schuylkill River – Kaercher Creek) via Outfall No. 001, in Hamburg Borough, Berks County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 32' 49"	75° 59' 07"

- 3. Area Served.** The docket holder's WFP will continue to treat water from the bottling and canning facility only. 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 0.1008 mgd WFP.

b. Facilities. The WFP consists of three (3) reverse osmosis units, an ultraviolet unit and a storage silo. The groundwater passes through any of the three (3) reverse osmosis units and then is conveyed to the ultraviolet unit and then to the storage unit.

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 the docket holder's WWTP.

c. Water withdrawals. The potable water supply in the project service area is supplied by the Hamburg Municipal Authority public water supply distribution system, which was most recently approved on May 18, 2005/December 5, 2012 via Docket No. D-2012-022 CP-1.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0260444 was issued by the PADEP on July 24, 2007, effective August 1, 2007 to surface waters classified by the PADEP as Warm Water Fishes, Migratory Fishes (WWF-MF). The WFP is currently not discharging to Kaercher Creek and is not required by the PADEP to have an active NPDES permit. The docket holder will renew their NPDES permit prior to discharging to Kaercher Creek. The following average monthly effluent limits are requirements of the DRBC.

Discharge from the site is currently conveyed to Hamburg Municipal Authority sewage treatment facility most recently approved by DRBC Docket No. D-1992-073 CP-3 on July 14, 2010. The Authority currently has submitted an application for renewal to the Commission and is awaiting approval. The PADEP issued its most recent NPDES Permit No. PA0021601 on October 30, 2009 for this treatment facility.

EFFLUENT TABLE: DRBC Parameters

OUTFALL 001 (Kaercher Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9	Monthly Average
Temperature	100 °F (Max)	Monthly Average
Total Suspended Solids	30 mg/l (85% minimum removal)	Monthly Average
Total Dissolved Solids*	1,000 mg/l	Monthly Average
Dissolved Oxygen	6.0 mg/l (minimum at all times)	Monthly Average

* See DECISION Condition II.o.

e. Cost. There are no construction costs associated with this WFP approval.

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.1008 mgd WFP and its discharge.

The WFP is currently discharging to the Hamburg Municipal Authority sewage treatment facility. Since the WFP is not discharging to Kaercher Creek, the docket holder did not renew their NPDES permit. If the docket holder decides to operate Outfall No. 1 and discharge to Kaercher Creek, they will renew their NPDES permit prior to discharging. The docket holder has requested continuance of the existing DRBC Docket in the event that the WFP discharges to Kaercher Creek in the future.

According to the United States Geological Survey (USGS) Streamstats program the Kaercher Creek at the docket holder's WFP discharge has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.065 mgd (0.1 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.1008 mgd WFP is 1 to 1.6.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 31 River Miles downstream of the docket holder's WFP, and is operated by Pottstown Borough 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 any future NPDES permit will be reviewed to ensure they comply 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-2006-029-2 below, Docket No. D-2006-029-1 is terminated and replaced by Docket No. D-2006-029-2.

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 TABLE 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. *The docket holder does not need to monitor for any parameter in the EFFLUENT TABLE for the Commission as long as the facility is discharging to the Hamburg Municipal Authority sewage treatment facility. When submitting the AEMR state that the facility is not operating in the Docket Holder Comment box if the facility is not in operation.*

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. 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.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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.

BY THE COMMISSION

DATE APPROVED: March 11, 2015

EXPIRATION DATE: March 11, 2020