

DOCKET NO. D-2014-013-1

DELAWARE RIVER BASIN COMMISSION

**Markel Corporation
Plymouth Township Facility Contact & Non-Contact Cooling Water Discharge
Plymouth Township, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by IES Engineers on behalf of Markel Corporation (Markel or docket holder) on June 27, 2014 (Application), for approval of the existing contact cooling water (CCW) and non-contact cooling water (NCCW) discharge from the docket holder's Plymouth Township Facility, which manufactures Fluor polymer tubing and coated wire, plastic tubing, and specialty tubing products (manufacturing facility). National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050016 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on May 30, 2014, effective June 1, 2014.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Montgomery 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 approve the docket holder's discharge of up to 0.06 million gallons per day (mgd) of CCW and NCCW from its manufacturing facility.
- 2. Location.** CCW and NCCW will continue to discharge to Diamond Run Creek at River Mile 92.47 – 22.3 – 0.67 (Delaware River – Schuylkill River – Diamond Run Creek) via Outfall No. 001, in the Plymouth Township, Montgomery County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 6' 34"	75° 18' 52"

- 3. Area Served.** Existing Outfall No. 001 will continue to serve the docket holder's manufacturing facility. 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's manufacturing facility will continue to discharge up to 0.06 mgd of CCW and NCCW via Outfall No. 001.

b. Facilities. Extruder and process cooling water is collected in the building drain and discharged via Outfall No. 001 to Diamond Run Creek.

Air compressor cooling water is collected in a septic tank that comingles with sanitary wastewater from the manufacturing facility and is conveyed to the East Norriton – Plymouth - Whitpain Joint Sewer Authority's (ENPW) public sewer system. The ENPW WWTP and related discharge were approved by the Commission on June 28, 1978, via Docket No. D-72-80 CP (REN).

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

c. Water withdrawals. Water supplied for manufacturing operations is supplied by the docket holder's on-site wells, which were approved on July 14, 2010 via Southeastern Pennsylvania Groundwater Protected Area (GWPA) Permit No. P-2009-029-1.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0050016 was issued by the PADEP on May 30, 2014 (effective June 1, 2014) and includes final effluent limitations for the project discharge of up to 0.06 mgd of CCW and NCCW to surface waters classified by the PADEP as warm water, migratory fisheries (WWF/MF). 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

OUTFALL 001 (CCW & NCCW)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 lbs/day	As required by NPDES Permit
BOD ₅ (at 20° C)	13 lbs/day	As required by NPDES Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit, but are Commission basin-wide parameters that must be monitored as a condition of this docket approval. Commission staff have requested PADEP include these parameters in their next Permit. Monitoring shall begin April 1, 2015 for each parameter (See DECISION Condition II.d.).

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

OUTFALL 001 (CCW & NCCW)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	Quarterly
Ammonia Nitrogen	Monitor & Report	Quarterly

* See DECISION Condition II.n.

- e. Cost. There are no construction costs associated with this existing discharge.

B. FINDINGS

The purpose of this docket is to approve the docket holder's discharge of up to 0.06 million gallons per day (mgd) of CCW and NCCW from its manufacturing facility.

According to the United States Geological Survey (USGS) Streamstats program Diamond Run Creek at the docket holder's CCW and NCCW discharge 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 is therefore classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 10.9 River Miles downstream of the docket holder's CCW and NCCW discharge, and is operated by the City of Philadelphia Water Department.

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-2014-013-1 below, 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. 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.

g. 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.

h. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

n. 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: May 31, 2019