

**DOCKET NO. D-2007-001 CP-2**

**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) by SSM Group, Inc. on behalf of the Maxatawny Township Municipal Authority (Maxatawny Township MA or docket holder) on March 2, 2013 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its related discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0260151 A-1 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on March 12, 2010.

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 (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 11, 2014.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.14 million gallon per day (mgd) WWTP and its related discharge. There are no modifications to the existing WWTP proposed.

**2. Location.** The project WWTP is located off of Krumsville Road, just north of its intersection with Route 222 in Maxatawny Township, Berks County, Pennsylvania. The WWTP will continue to discharge 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 project outfall is located in Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 31' 58"	75° 47' 15"

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, 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 existing 0.14 mgd WWTP will continue to utilize a modified Ludzak-Ettinger (MLE) activated sludge treatment process and ultraviolet light (UV) disinfection.

b. **Facilities.** The existing WWTP facilities consist of an influent pump station, one a mechanical screen/grit removal chamber; a flow equalization tank; two (2) MLE tanks featuring an anoxic zone, aeration zone; a sludge holding tank; and UV disinfection.

The Maxatawny Township MA 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 Maxatawny Township MA 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 by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals.** The potable water supply in the project service area is provided by five (5) wells owned and operated by the Borough of Kutztown, as described in detail in DRBC Docket No. D-1983-023 CP-3, approved on September 26, 2005.

d. **NPDES Permit / DRBC Docket.** PADEP issued NPDES Permit No. PA0260151A-1 for the project discharge on March 12, 2010, which includes final effluent limitations for the project discharge of 0.14 mgd to surface waters classified by the PADEP as trout stocking fishery (TSF). The following average monthly effluent limits are among those listed in the NPDES permit that meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit**

<b>OUTFALL 001 (Sacony Creek)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
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-Day at 20° C)	25 mg/l (85% minimum removal*)	As required by NPDES permit
Ammonia-Nitrogen	20 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

\* DRBC Requirement

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

<b>OUTFALL 001 (Sacony Creek)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Total Dissolved Solids *	Monitor & Report	One Per quarter

\* See Condition II.p.

e. **Relationship to the Comprehensive Plan.** The existing WWTP was included in the Comprehensive Plan by Docket No. D-2007-001 CP-1 on March 3, 2010.

## **B. FINDINGS**

The purpose of this docket is to renew the approval of the docket holder's existing 0.14 mgd WWTP. There are no modifications to the existing WWTP proposed.

At the project site, the 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 discharge rate from the 0.14 mgd WWTP is approximately 62:1.

The nearest downstream surface water intake of record for public water supply is located approximately 14 miles downstream of the docket holder's WWTP on Maiden Creek, and is owned and operated by the City of Reading 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 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-2007-001 CP-2 below:

a. The project described in Docket No. D-2007-001 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-001 CP-2; and

b. Docket No. D-2007-001 CP-1 is terminated and replaced by Docket No. D-2007-001 CP-2.

c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in the 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 Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. 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. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

r. 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 12, 2014**

**EXPIRATION DATE: March 12, 2019**