

DOCKET NO. D-2008-007 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Keystone Mobile Home Park
Wastewater Treatment Plant
North Whitehall Township, Lehigh 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 Keystone Mobile Home Park (KMHP or docket holder) on September 30, 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. PA0044270 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on October 2, 2012, effective November 1, 2012.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley 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

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.0375 million gallons per day (mgd) WWTP and its related discharge.
- Location.** The WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.66 – 26.4 (Delaware River – Lehigh River) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in the North Whitehall Township, Lehigh County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 43' 33"	75° 31' 50"

3. **Area Served.** The docket holder's WWTP will continue to serve the docket holder's community of the same name (KMHP), which is located in North Whitehall Township, Lehigh 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 0.0375 mgd WWTP.

b. **Facilities.** The WWTP consists of a bar screen, an equalization tank, six (6) extended aeration tanks, two (2) clarifiers, three (3) sludge holding tanks, and a chlorine contact tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The existing WWTP has a generator installed capable of providing emergency power.

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder is required as part of the continued discharge to install remote alarm systems within one (1) year of docket approval (See DECISION Condition II.n.). (SPW)

The docket holder's existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements.

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 Northampton Borough Water Authority (NBWA). The Commission approved the NBWA withdrawal on December 4, 2013 upon issuance of Docket No. D-2004-006 CP-2.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0044270 was issued by the PADEP on October 2, 2012 (effective November 1, 2012) and includes final effluent limitations for the project discharge of 0.0375 mgd to surface waters classified by the PADEP as a Trout Stocking Fishery (TSF). 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 (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
Dissolved Oxygen	5.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C)	25 mg/l	As required by NPDES Permit
Ammonia Nitrogen	20 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)	2000 colonies per 100 ml as a geo. avg.	
Total Dissolved Solids	1,000 mg/l *	As required by NPDES Permit

* See DECISION Condition II.r.

The average monthly effluent limits in EFFLUENT TABLE A-2 are among those not listed in the NPDES Permit, but are Commission basin-wide and SPW specific parameters that must be met as a condition of this docket approval or are listed in the NPDES Permit, but the Commission requires more frequent monitoring. Commission staff have requested PADEP include these parameters and frequencies in their next Permit for the facility. Monitoring shall begin April 1, 2014 for each parameter (See DECISION Condition II.d.).

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

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C)	85% minimum removal	Same as CBOD ₅ frequency in the NPDES Permit
Nitrate as N	Monitor & Report	Monthly*
Total Nitrogen	Monitor & Report	Monthly
Phosphorus	Monitor & Report	Monthly*

* The PADEP required quarterly monitoring in the NPDES Permit. The Commission requires five years of data be submitted prior to the reduction of the standard monthly frequency.

e. Cost. There are no construction costs associated with this WWTP renewal. However, Docket No. D-2008-7-1 approved the reconstruction of this facility and the renewal application for that docket was to be submitted to the Commission by May 31, 2011. The project went over budget resulting in a review fee of \$469.32 not being submitted with the original application for the reconstruction. Furthermore, the late submittal of the Application for this docket results in the docket holder needing to pay an additional \$2,000 late filing fee. Neither of these additional fees was submitted with the Application. DECISION Condition II.u. of this docket requires the total extra fee of \$2,469.32 be submitted to the Commission within sixty (60) days of docket approval.

f. **Relationship to the Comprehensive Plan.** Issuance of this docket shall include the docket holder's 0.0375 mgd WWTP into the Comprehensive Plan (See DECISION Condition I.b.).

B. **FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing 0.0375 mgd WWTP and its related discharge.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (WQR)* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does not entail additional construction and expansion of facilities/service area (i.e., there are not any new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Conditions II.m. and II.t. have been included in this docket.

At the docket holder's WWTP discharge, the Lehigh River has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 134 mgd (207 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the docket holder's 0.0375 mgd WWTP is 3,573 to 1.

The nearest surface water intake of record for public water supply is located approximately 1.75 River Miles downstream of the docket holder's WWTP on the Lehigh River and is operated by NBWA.

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 *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2008-007 CP-2 below:

- a. Docket No. D-2008-7-1 is terminated and replaced by Docket No. D-2008-007 CP-2; and
- b. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be added to 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 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. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

n. The docket holder shall install remote alarm controls within 1 year of docket approval. The docket holder shall certify in writing to the Commission that it has complied with this condition by March 12, 2015.

o. 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.

p. 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.

q. 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.

r. 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.

s. 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.

t. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

u. The docket holder shall submit payment to the Commission in the amount of \$2,469.32 within sixty (60) days of docket approval (by May 11, 2014) for the late submittal of a renewal application and balance for original project review fee.

BY THE COMMISSION

DATE APPROVED: March 12, 2014

EXPIRATION DATE: October 31, 2017