

DOCKET NO. D-1985-028 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Town of Rockland

Wastewater Treatment Plant

Town of Rockland, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Bipin Gandhi, P.C. on behalf of the Town of Rockland (The Town or docket holder) on December 10, 2012 (Application), for renewal of an existing wastewater treatment plant (WWTP) and its discharge. Draft State Pollutant Discharge Elimination System (SPDES) Permit No. NY0025437 for this project was issued by the New York State Department of Environmental Conservation (NYSDEC) on November 6, 2012. Issuance of the final Permit is expected 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 Sullivan County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 7, 2013.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the existing 0.8 mgd Livingston Manor WWTP and its related discharge.
- Location.** The WWTP will continue to discharge treated effluent to Willowemoc Creek at River Mile 330.7 – 15.5 – 15.5 – 6.94 (Delaware River – East Branch Delaware River – Beaver Kill – Willowemoc Creek) via Outfalls Nos. 001 and 002, in the drainage area to the Upper Delaware Special Protection Waters (SPW) area. The WWTP and its related discharge are located in the Town of Rockland, Sullivan County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 54' 33"	74° 49' 53"
002	41° 54' 31"	74° 49' 53"

3. **Area Served.** The docket holder's existing WWTP will continue to serve the Livingston Manor Sewer District located in the Town of Rockland, Sullivan County, New York. 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 the existing 0.8 mgd Livingston Manor WWTP.

b. **Facilities.** The existing WWTP consists of a comminutor, grit removal, two (2) lagoons, two (2) clarifiers, a post aeration tank, a sludge thickener, a sludge holding tank, and eight (8) sludge drying beds.

Outfall No. 002 is for use only as an emergency when the aeration chamber is not functioning. The SPDES Permit requires the docket holder to maintain a record at the facility which delineates the date, number of hours, reason the aeration chamber was not available and total flow from Outfall 002.

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. (SPW)

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 existing WWTP has a remote alarm system installed that continuously monitors plant operations. (SPW)

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

Many of the project facilities are located in the flood fringe portion of the 100-year floodplain. A dike is constructed around these portions of the WWTP flood-proofing the facilities at least one (1) foot above the 100-year flood elevation as required by the Commission's *Flood Plain Regulations*.

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. The Commission approved this withdrawal on May 29, 1963 via Docket No. D-63-4. The withdrawal docket is out of date and needs to be updated. DECISION Condition II.t. has been included in this docket requiring the docket holder to submit an application to the Commission within 60 days of approval of this docket (by July 7, 2013) to renew Docket No. D-63-4.

d. **SPDES Permit / DRBC Docket.** Draft SPDES Permit No. NY0025437 was issued by the NYSDEC on November 6, 2012 and includes effluent limitations for the project discharge of 0.8 mgd to surface waters classified by the NYSDEC as a Class C(TS) stream. The following average monthly effluent limits are among those listed in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 & 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	30 mg/l	As required by SPDES Permit
Dissolved Oxygen	6.0 mg/l (minimum at all times)	As required by SPDES Permit
CBOD (5-Day at 20° C)	25 mg/l (85% minimum removal*)	As required by SPDES Permit
Ammonia Nitrogen (6-1 to 10-31)	11 mg/l	As required by SPDES Permit
Phosphorus	Monitor & Report *	As required by SPDES Permit
TKN (11-1 to 5-31) (6-1 to 10-31)	20 mg/l Monitor & Report	As required by SPDES Permit
Nitrate + Nitrite as N*	Monitor & Report *	As required by SPDES Permit
Total Dissolved Solids	Monitor & Report **	As required by SPDES Permit

* DRBC Requirement

** See DECISION Condition II.r.

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

OUTFALL 001 & 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen* (11-1 to 4-30)	Monitor & Report *	Monthly *

* DRBC Requirement

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

f. **Relationship to the Comprehensive Plan.** The 0.8 mgd Livingston Manor WWTP was included in the Comprehensive Plan as part of the approval of Docket No. D-85-28 CP on September 24, 1985. Issuance of this docket will continue approval of the WWTP in the Comprehensive Plan (See DECISION Condition I.c.).

B. FINDINGS

The purpose of this docket is to renew approval of the existing 0.8 mgd Livingston Manor WWTP and its related discharge.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This

stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *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 and clarity on definitions and terms were updated for the entire program. (Upper/Middle SPW)

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 aren't any new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition II.n. has been included in this docket.

The docket holder provided the Commission with effluent data from the time of SPW designation as part of the Application. Commission staff utilized that data to identify the grandfathered loads for the WWTP. The Livingston Manor WWTP's grandfathered loads are located in Table B-1 below.

Table B-1: Livingston Manor WWTP's Grandfathered Loads

Months	CBOD₅ (lbs/day)	TSS (lbs/day)	Total P (lbs/day)	Nitrate + Nitrite as N (lbs/day)	TKN as N (lbs/day)	Ammonia – as N (lbs/day)
May-Sept*	11.8	21.5	***	***	6.4	1.3
Oct-April**	21.1	36.5	***	***	24.6	14.7

* Grandfathered Loads are associated with a flow of 0.222 mgd

** Grandfathered Loads are associated with a flow of 0.249 mgd

*** Grandfathered loads to be established during next docket iteration utilizing data obtained over this docket cycle and compared to 1992 EWQ conditions

The nearest surface water intake of record for public water supply is located approximately 175 river miles downstream of the project discharge and is operated by the City of Easton.

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 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-1985-028 CP-2 below:

a. The project described in Docket No. D-85-28 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1985-028 CP-2; and

b. Docket No. D-85-28 CP is terminated and replaced by Docket No. D-1985-028 CP-2; and

c. 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 NYSDEC in its SPDES 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 discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F.

i. 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.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. 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).

l. 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.

m. 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.

n. 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.

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. The docket holder must submit an application to the Commission within 60 days of approval of this docket (by July 7, 2013) to renew Docket No. D-63-4.

BY THE COMMISSION

DATE APPROVED: May 8, 2013

EXPIRATION DATE: May 8, 2018