

DOCKET NO. D-2007-018-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Wayne Economic Development Corporation
Wastewater Treatment Plant
Sterling Township, Wayne County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Reilly Associates on behalf of Wayne Economic Development Corporation (WEDCO or docket holder) on October 9, 2012 (Application), for renewal of an existing wastewater treatment plant (WWTP). National Pollutant Discharge Elimination System (NPDES) Permit No. PA0065188 for this project was issued by the Pennsylvania Department of Environmental Protection (PADEP) on November 15, 2012, effective December 1, 2012.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Wayne 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 0.014 million gallons per day (mgd) WEDCO Sterling Business Park (SBP) WWTP and its related discharge.
- Location.** The SBP WWTP will discharge treated effluent to the West Branch Wallenpaupack Creek at River Mile 277.7 – 17.5 – 11.5 – 5.0 (Delaware River – Lackawaxen River – Lake Wallenpaupack – West Branch Wallenpaupack Creek) via Outfall No. 001, within the drainage area to the Upper Delaware Special Protection Waters (SPW) area, in Sterling Township, Wayne County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 21' 50"	75° 23' 11"

3. **Area Served.** The SBP WWTP will serve the complex of the same name in Sterling Township, Wayne 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 operate the existing 0.014 mgd SBP WWTP.

b. **Facilities.** The SBP WWTP consists of a fine bar screen, an equalization tank, a membrane bioreactor (MBR), a chemical addition unit for phosphorous removal, a sludge holding tank, and an ultraviolet (UV) disinfection unit.

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 not prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within six (6) months of approval of this docket (by November 8, 2013) or before operations start at the SBP WWTP, whichever occurs first (See DECISION Condition II.o.). (SPW)

The project facilities aren't located in the 100-year floodplain.

Wasted sludge will 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 will be supplied by the docket holder's on-site system. The system is designed to withdrawal less than 100,000 gallons per day (gpd) on a 30-day average and is therefore below the review threshold of the DRBC. Should the docket holder seek to increase the withdrawal capacity of the system above 100,000 gpd as a 30-day average, approval by the Commission is required prior to such an increase (See DECISION Condition II.u.).

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0065188 was issued by the PADEP on November 15, 2012 (effective December 1, 2012) and includes final effluent limitations for the project discharge of 0.014 mgd to surface waters classified by the PADEP as a high quality cold water fishery (HQ-CWF). 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	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	3.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD5 (5-1 to 10-31) (11-1 to 4-30)	10 mg/l (85% minimum removal*)	As required by NPDES Permit
	20 mg/l (85% minimum removal*)	
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	1.0 mg/l	As required by NPDES Permit
	3.0 mg/l	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
	2000 colonies per 100 ml as a geo. avg.	
Phosphorus	0.3 mg/l	As required by NPDES Permit
Total Dissolved Solids*	1,000 mg/l ***	As required by NPDES Permit

* DRBC Requirement

** See DECISION Condition II.s.

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

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
Total Kjeldahl Nitrogen*	Monitor & Report *	Monthly *
Nitrate + Nitrite as Nitrogen*	Monitor & Report *	Monthly *

* DRBC Requirement

** See DECISION Condition II.x.

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

B. FINDINGS

The purpose of this docket is to renew approval of the existing 0.014 mgd SBP 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.

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.

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 Commission approved Docket No. D-2007-18-1 on March 12, 2008, which included the construction and operation of a 0.035 mgd WWTP. Due to a lack of customers only one of the three MBR trains was constructed, limiting the hydraulic capacity of the facility to 0.014 mgd. Prior to performing substantial alterations or additions to the WWTP as defined in Section 3.10.3A.2.a.16) of the Commission's *WQR*, the docket holder is required to submit an application to the Commission for review and approval of the alterations or additions (See DECISION Condition II.w.). A natural treatment alternatives (NTA) analysis and no measurable change (NMC) to existing water quality (EWQ) analysis must be performed along with other SPW specific reports prior to any approvals.

Furthermore, to date the SBP WWTP has not commenced operation due to the same lack of customers. DECISION Condition II.v. of this docket requires the docket holder to inform the Commission via letter 30 days prior to operations starting at the facility that the WWTP will operate as intended.

DECISION Condition II.d. of this docket requires the docket holder to submit annual effluent monitoring reports to the Commission by January 31 of each year for the prior year's data. The docket holder shall inform the Commission in writing by January 31 of each year if the SBP WWTP was not functioning the prior year in lieu of this report.

At the project site, the West Branch Wallenpaupack Creek has an estimated seven-day low flow with a recurrence interval of ten years of 1.91 mgd (2.96 cfs). The ratio of this low flow to the hydraulic design of the 0.014 mgd SBP WWTP is 136.4 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton, approximately 118 river miles away.

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-2007-018-2 below, Docket No. D-2007-18-1 is terminated and replaced by Docket No. D-2007-018-2.

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 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. The docket holder shall inform the Commission in writing by January 31 of each year if the SBP WWTP was not functioning the prior year in lieu of this report until the WWTP starts 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 discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°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. The docket holder shall prepare an emergency management plan (EMP) within six (6) months of docket approval or prior to the operation of the WWTP, whichever occurs first. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by November 8, 2013.

p. 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.

q. 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.

r. 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.

s. 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.

t. 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.

u. Should the docket holder seek to increase the water withdrawal capacity of its system above 100,000 gpd as a 30-day average, approval by the Commission is required prior to such an increase. As such, the docket holder is required to submit a docket application for review and approval of the water withdrawals to the Commission prior to such an increase.

v. The docket holder must inform the Commission via letter 30 days prior to operations starting at the facility that the WWTP will operate as intended.

w. Prior to performing substantial alterations or additions to the WWTP as defined in Section 3.10.3A.2.a.16) of the Commission's *WQR*, the docket holder is required to submit an application to the Commission for review and approval of said alterations or additions

BY THE COMMISSION

DATE APPROVED: May 8, 2013

EXPIRATION DATE: November 30, 2017