

DOCKET NO. D-2006-019-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Silverleaf Resorts, Inc. – Brookdale Resort
Wastewater Treatment Plant
Pocono Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by SK Design Group, Inc. on behalf of Silverleaf Resorts, Inc. (Silverleaf) on June 29, 2015 (Application), for renewal of a wastewater treatment plant (WWTP) and its related discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061921 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) to Cove Haven, Inc. d/b/a Brookdale Resort on July 1, 2011. The permit was subsequently transferred to Silverleaf resorts, Inc. on August 18, 2014 (NPDES Permit No. PA0061921A-2). A renewal application was submitted to the PADEP on December 18, 2015 and is awaiting approval.

The Application was reviewed for continuation under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 11, 2016.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.049 million gallons per day (mgd) WWTP and its discharge.
- Location.** The Brookdale WWTP will continue to discharge treated effluent to Brookdale Lake at River Mile 213.0 – 3.9 – 0.9 – 11.4 – 2.85 – 0.15 (Delaware River – Brodhead Creek – McMichael Creek – Pocono Creek – Scot Run – Brookdale Lake), via Outfall No. 1, within the drainage area to the Middle Delaware Special Protection Waters (SPW), in Pocono Township, Monroe County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41 ° 05' 7.75"	75 ° 20' 17.23"

3. **Area Served.** The docket holder's WWTP serves the Brookdale all-season resort complex in Pocono Township, Monroe County, Pennsylvania. No expansion of WWTP capacity or service area is proposed. 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 0.049 mgd WWTP.

b. **Facilities.** The resort has three pumping stations throughout the resort property, and the WWTP consists of a 30,000 gallon equalization tank, two 25,000 gallon extended aeration tanks, two clarifiers, sand filtration, ultraviolet disinfection, and a post aeration tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. Emergency power is provided by a portable generator unit on the outside of the building. (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 in accordance with the Commission's SPW requirements. 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 SPW requirements. (SPW)

The docket holder's existing wastewater treatment facility does not discharge to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume in accordance with the Commission's SPW requirements. (SPW)

The project facilities are not located in the 100-year floodplain. The docket holder has flood-proofed the facilities at least one (1) foot above the 100-year flood elevation.

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 an onsite well. The well withdrawal is less than the Commission's threshold for review, and does not require Commission approval.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0061921A-2 was issued by the PADEP on August 18, 2014 and includes final effluent limitations for the project discharge of 0.049 mgd to surface waters classified by the PADEP as High Quality Waters (HQ)

and a Cold Water Fishery (CWF). A renewal application was submitted to the PADEP for this permit and is awaiting approval. 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 (Discharge to Brookdale Lake)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required in the NPDES permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required in the NPDES permit
CBOD (5-Day at 20° C)	10 mg/l (85% minimum removal)	As required in the NPDES permit
Total Suspended Solids	30 mg/l (85% minimum removal)	As required in the NPDES permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required in the NPDES permit
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required in the NPDES permit
Total Dissolved Solids *	1,000 mg/l	As required in the NPDES permit
Total Phosphorous	Report	As required in the NPDES permit
Nitrate – Nitrite – N	Report	As required in the NPDES permit

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

B. FINDINGS

The docket holder submitted an Application to renew the existing 0.049 million gallons per day (mgd) Brookdale WWTP. The WWTP will continue to discharge to Brookdale Lake a tributary of the Middle Delaware SPW. This docket (D-2006-0219-4) renews the DRBC approval.

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. (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. (Middle SPW)

The docket holder's WWTP discharges to the drainage area to the Middle Delaware River SPW area.

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 (See DECISION Condition II.m.).

Approximately 7 miles downstream of the project site, the USGS Gauge No. 01441495 at Pocono Creek and Wigwam Run near Stroudsburg, PA has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 1.197 mgd (0.366 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the (0.049 mgd / 0.08 cfs) from the facility is 4.6:1.

The nearest surface water intake of record for public water supply is located on Delaware River approximately 47 River Miles downstream of the docket holder's WWTP, 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 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-2006-019-4 below, Docket No. D-2006-019-3 is terminated and replaced by Docket No. D-2006-019-4.

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 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/pr/info.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. 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. 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.

o. 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.

p. 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.

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: June 15, 2016

EXPIRATION DATE: June 15, 2021