

**DOCKET NO. D-1981-038 CP-3**

**DELAWARE RIVER BASIN COMMISSION**

**Discharge to a Tributary of Special Protection Waters**

**Village of Monticello**

**Wastewater Treatment Plant**

**Village of Monticello, 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 Barton & Loguidice, PC on behalf of the Village of Monticello (VM or docket holder) on June 30, 2014 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0022454 for this project was approved by the New York State Department of Environmental Conservation (NYSDEC) on July 1, 2010 and modified January 1, 2013.

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 Department has been notified of pending action. A public hearing on this project was held by the DRBC on June 9, 2015.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 3.1 million gallons per day (mgd) WWTP, modifications proposed to the WWTP, and the discharge from the WWTP. The modifications were approved via Docket No. D-1981-038 CP-2 on March 2, 2011 and include retrofitting three (3) sequencing batch reactors (SBR) in the two (2) existing oxidation ditches and stormwater retention basin, one (1) of the existing clarifiers as an aerobic digester and the other as an equalization basin, and sludge lagoon No. 2 into reed beds. Due to funding, one (1) of the clarifiers will be abandoned instead of conversion to an equalization tank and a belt filter press will be utilized instead of converting lagoon No. 2 into reed beds. Additionally, the modifications include replacing the existing media filters with modular disc filters, the existing aerated grit chamber with a new vortex grit separator, the existing mechanical bar screens with fine screens, and the progressive cavity sludge handling pumps in-kind. Lastly, the modifications include upgrading energy efficiency measures in the filter, headworks and sludge buildings, and performing building improvements to accommodate new equipment.

2. **Location.** The WWTP will continue to discharge treated effluent to Tannery Brook at River Mile 253.64 – 27.3 – 1.91 – 3.24 – 1.54 (Delaware River – Neversink River – Sheldrake Stream – Kiamesha Creek – Tannery Brook) via Outfall No. 001, within the drainage area to the Middle Delaware Special Protection Waters (SPW), in the Village of Monticello, Sullivan County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 38' 34"	74° 40' 12"

3. **Area Served.** The docket holder's WWTP will continue to serve the Village of Monticello, the Sullivan County Community Hospital, and two Town of Thompson mobile home parks, all of which are located in 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 proposes to upgrade its existing 3.1 mgd WWTP by retrofitting the existing system to incorporate a SBR system that will improve the quality of treatment.

b. **Facilities.** The existing WWTP consists of a Parshall flume, two (2) mechanically cleaned bar screens, two (2) grit separation units, two (2) comminutors, a flow splitter box, two (2) oxidation ditches operating in parallel, two (2) clarifiers, four (4) multi-media gravity filters, chlorinators, and a post-aeration system.

The modified WWTP will consist of two (2) fine screens, a vortex grit separator, a flow splitter box, three (3) SBR units, two (2) aerobic digester, and four (4) modular disc gravity filters.

The docket holder's existing chlorination system is antiquated and will be removed as part of the WWTP upgrade. NYSDEC is requiring the docket holder to explore seasonal disinfection options that are anticipated to be put into place prior to May 1, 2019. Should the Commission require disinfection be placed into operation at the docket holder's WWTP as part of the fifteen (15) day notice requirement (See DECISION Condition II.aa.) prior to the installation required by NYSDEC, the docket holder intends to use hypochlorite to disinfect and has stated that its use can be attained within the required timeframe.

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. During construction the docket holder will ensure that the generator is upgraded as necessary to accommodate the modified WWTP (See DECISION Condition II.t.).

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. During construction the docket holder will ensure that the remote alarm system is upgraded as necessary to accommodate the modified WWTP (See DECISION Condition II.t.)

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

Docket No. D-1981-038 CP-2 concluded that since the docket holder incorporated gravity filters and reed beds within their modified design that the natural wastewater treatment technologies requirement was satisfied. Due to financial infeasibility, the reed beds have been removed from the design for the modified WWTP. Commission staff agree that the additional cost to install the reed beds along with other portions of the facility would be financially burdensome.

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 two wells and a surface water intake. The wells were approved by the Commission on February 12, 2001 via Docket No. D-2001-5 CP-1 and the intake on January 7, 1988 via Docket No. D-87-98 CP-1. The docket holder is required to file a renewal application with the Commission to renew these withdrawals within sixty (60) days of approval of this docket (See DECISION Condition II.z.).

**d. SPDES Permit / DRBC Docket.** SPDES Permit No. NY0022454 was issued by the NYSDEC on July 1, 2010 (modified January 1, 2013) and includes final effluent limitations for the project discharge of 3.1 mgd to surface waters classified by the NYSDEC as a Class D stream. The following average monthly effluent limits are among those listed in the SPDES Permit for the existing WWTP and meet or are more stringent than the effluent requirements of the DRBC.

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

<b>OUTFALL 001 (Existing WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	10 mg/l, 258 lbs/day	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (Daily Minimum)	As required by SPDES Permit
CBOD (5-Day at 20° C)	5.0 mg/l, 85% minimum removal, 129 lbs/day	As required by SPDES Permit
Ammonia Nitrogen (6/1 – 10/31) (11/1 – 5/31)	1.5 mg/l 2.3 mg/l	As required by SPDES Permit
TKN	Monitor & Report	As required by SPDES Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the SPDES Permit for the existing WWTP, but are Commission basin-wide and/or SPW specific parameters that must continue to be met as a condition of this docket approval (See DECISION Condition II.d.). Commission staff included these parameters in Docket No. D-1981-038 CP-2 and have requested NYSDEC include these parameters in their next Permit.

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

<b>OUTFALL 001 (Existing WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Phosphorus	Monitor & Report	Monthly
Nitrate as N	Monitor & Report	Monthly
Fecal Coliform	Monitor & Report	Monthly
Total Dissolved Solids	Monitor & Report	Quarterly

The requirements in EFFLUENT TABLE A-3 are listed in the SPDES Permit for the modified WWTP (See DECISION Condition II.d.) and are average monthly effluent limits. The loading limits were assigned by the Commission via Docket No. D-1981-038 CP-2, which was approved on March 2, 2011.

**EFFLUENT TABLE A-3: DRBC Parameters Not Included in NPDES Permit**

<b>OUTFALL 001 (Modified WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	10 mg/l, 258 lbs/day	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (Daily Minimum)	As required by SPDES Permit
CBOD (5-Day at 20° C)	5.0 mg/l, 85% minimum removal, 129 lbs/day	As required by SPDES Permit
Ammonia Nitrogen*	29 lbs/day	As required by SPDES Permit
TKN*	68 lbs/day	As required by SPDES Permit
Nitrate as N*	116 lbs/day	As required by SPDES Permit
Phosphorus*	31 lbs/day	As required by SPDES Permit
Total Dissolved Solids	1,000 mg/l	As required by SPDES Permit

\* The DRBC restricts loadings to the receiving stream to protect water quality and not concentrations for these parameters. For your information, the corresponding concentrations associated with the loadings at the full permitted discharge flow of 3.1 mgd are as follows:

<b>PARAMETER</b>	<b>CONCENTRATION</b>
Ammonia Nitrogen	1.125 mg/l
Nitrate as N	4.5 mg/l
TKN	2.6 mg/l
Phosphorus	1.2 mg/l

The requirement in EFFLUENT TABLE A-4 is not listed in the SPDES Permit for the proposed WWTP, but is a Commission basin-wide specific parameter that must be met as a condition of this docket approval (See DECISION Condition II.x.). Commission staff request

NYSDEC include this parameter in their next Permit with the monitoring requirements explained below.

**EFFLUENT TABLE A-4: DRBC Parameters Not Included in SPDES Permit**

<b>OUTFALL 001 (Modified WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Fecal Coliform	Monitor & Report *	Monthly *

\* This parameter shall be monitored once per month, year round. Should the Commission discover that fecal coliform in the main-stem Delaware River exceeds the stream quality objective in the vicinity of the Neversink River and Commission staff establish that the docket holder's WWTP is contributing to the exceedance, the docket holder will be required to utilize on-site disinfection units within fifteen (15) days of notification and meet a 200 colony per 100 ml geometric average limit on a minimum of two samples per month until such time as the stream quality exceedance is rectified (See DECISION Condition II.aa.).

**e. Cost.** The estimated overall cost of this project has increased from \$15,000,000 to \$20,500,000 since approval of Docket No. D-1981-038 CP-2.

**f. Relationship to the Comprehensive Plan.** The docket holder's 3.1 mgd WWTP was incorporated into the Comprehensive Plan upon approval of Docket No. D-81-38 CP-1 on September 22, 1982. Modifications to the WWTP were approved via Docket No. D-1981-038 CP-2 on March 2, 2011. Issuance of this docket will continue approval of the existing and modified WWTPs in the Comprehensive Plan (See DECISION Condition I.c.).

## **B. BACKGROUND**

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.

The project WWTP will continue to discharge to Tannery Brook, which is a tributary of the Neversink River and is located within the drainage area to the Commission's Middle SPW area. The Neversink River joins the Delaware River at River Mile 253.64, which is designated as Significant Resource Waters (SRW).

Section 3.10.3.A.2.c.2) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions "may be approved only after the applicant demonstrates that it has fully evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility." Docket No. D-1981-038 CP-2 concluded that since the docket holder has incorporated gravity filters and reed beds within their modified design that the natural wastewater treatment technologies requirement was satisfied. Due to financial infeasibility the reed beds have been removed from the design for the modified WWTP. Commission staff agree that the additional cost to install the reed beds along with other portions of the facility would be financially burdensome.

Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions demonstrate "...that the project will cause no measurable change to Existing Water Quality..." Section 3.10.3.A.2.d.9) of the Commission's *WQR* states that "For wastewater treatment facility projects subject to the no measurable change requirement, the demonstration of no measurable change [NMC] to existing water quality [EWQ] shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause no measurable change at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH<sub>3</sub> N); dissolved oxygen (DO); fecal Coliform (FC); nitrate (NO<sub>3</sub> N) or nitrite + nitrate (NO<sub>2</sub> N+ NO<sub>3</sub> N); total nitrogen (TN) or Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

The project WWTP is proposing to modify the WWTP and is subject to the NMC to EWQ requirement. NMC to EWQ is to be demonstrated at the Neversink River Boundary Control Point (BCP). The Neversink BCP is located near the confluence of the Neversink and Delaware Rivers (Table 1 - Part C of Section 3.10.3.A.2.g. of the Commission's *WQR*).

Section 3.10.3A.2.a.4) of the Commission's *WQR* defines "Measurable Change" as "an actual or estimated change in a seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence intervals that define existing water quality."

EWQ is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. EWQ is described in terms of:

- (a) an annual or seasonal mean of the available water quality data,
- (b) two-tailed upper and lower 95 percent confidence limits around the mean, and
- (c) the 10<sup>th</sup> and 90<sup>th</sup> percentiles of the data set from which the mean was calculated.

The determination of NMC is based on a comparison of historical water quality observations at the Neversink BCP with the modeled (predicted) EWQ at the Neversink BCP. Historical water quality observations were used by Commission staff to define EWQ for the

BCP, and were derived from EPA Storet (NYSDEC, USGS, etc.) data prior to 1993. The EWQ that is protected at the BCP is that which existed at the time of SPW classification in 1992 (1992-EWQ).

Commission staff compiled data for the eight parameters (NH<sub>3</sub> N, DO, FC, NO<sub>2</sub> N + NO<sub>3</sub> N, TKN, TP, TSS, and BOD) necessary to define 1992-EWQ as part of the docket approval for Gemstar Development Corporation's Heiden Road WWTP approved by the Commission in Docket No. D-2008-018 CP-1 on October 22, 2009. The mean and upper 95<sup>th</sup> percentile data was compiled and EWQ at the Neversink BCP was determined to have the following characteristics:

**Table B-1: EWQ for the Neversink River BCP**

PARAMETER	MEAN	UPPER 95 <sup>TH</sup> %
NH <sub>3</sub> N (ug/l)	71	91
DO (mg/l)	9.18	8.91
FC (#/100ml)	92.90	116.95
NO <sub>2</sub> N+ NO <sub>3</sub> N (ug/l)	384	433
TKN (ug/l)	378	451
TP (ug/l)	99	138
TSS (mg/l)	5.5	6.3
CBOD (mg/l)	1.27	1.5

In 2009, Commission staff completed a water quality model, using the USEPA's QUAL2K platform, for the Neversink River Watershed. The 2009 NR-WQM was used to analyze the impact to 1992-EWQ at the BCP from the proposed 0.024 mgd Heiden Road WWTP. Section 3.10.3.A.2.d.9) of the *WQR* further states "In making the demonstration required in the preceding sentence the applicant shall use a DRBC-approved model of the tributary or main stem watershed if available." Commission staff developed the 2009 NR-WQM in order to evaluate new and expanding wastewater treatment facilities that were located in the Neversink River watershed. The 2009 NR-WQM was used to develop effluent limitations protective of the EWQ described in Table B-1.

The 2009 NR-WQM's domain included the watershed downstream of the Neversink Reservoir. The 2009 NR-WQM was calibrated using in-stream water quality data sets from pre-1993 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumed that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those contaminants for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 NR-WQM included data from fourteen (14) existing WWTPs whose facility name and size are listed below in Table B-2. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the EPA Technical Guidance for Developing TMDLs.

**Table B-2**

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.	DRBC Docket No.
Kiamesha Lake	2.0	NY0030724	D-1989-011 CP-1
Camp Ohr Shalom	0.07	NY0271179	D-2013-005 CP-1
Davos in the Woods *	0.25	NY0218987	---
Mountain Hill Cottages	0.014	NY0096067	D-2005-002-1
Emerald Green	0.41	NY0035645	D-1995-016 CP-1
Dragon Spring Budhist Inc.	0.1	NY0274089	D-2007-021 CP-2
Otisville Federal Correction Institute	0.5	NY0037397	D-1994-011 CP-1
Village of Monticello	3.1	NY0022454	D-1981-038 CP-2
Avon (formerly Woodridge)	0.79	NY0023493	D-1981-066 CP-2
Melody Lake	0.038	NY0030708	D-2011-025 CP-1
Port Jervis	2.5	NY0026522	D-2004-028 CP-2
Loch Sheldrake	0.7	NY0145696	D-1985-074 CP-2
WHO	3.26	NY0024520	D-1967-069 CP-2
Beaver Lake Estates	0.14	NY0145734	D-2009-038 CP-1
Gemstar	0.024	NY0272892	D-2009-018 CP-1

\* Application Request Letter Sent

In addition to the 14 facilities listed above with active SPDES permits/DRBC dockets, Commission staff also received **notice or applications** (either from the NYSDEC, the project sponsor and/or from Town Planning boards) for 7 new wastewater treatment projects and 3 expansions of existing wastewater treatment projects planned for the Neversink watershed.

In order to determine compliance with the NMC requirement, Commission staff used the 2009 NR-WQM to evaluate several discharge scenarios. These scenarios included all 14 SPDES permitted dischargers with permitted flows equal to or greater than ( $\geq$ ) 10,000 gpd within the NR-WQM domain, the Heiden Road WWTP, and the discharge of the 10 proposed new or expanding WWTPs.

The model was used to predict in-stream concentrations of NH<sub>3</sub> N, DO, FC, NO<sub>2</sub> N + NO<sub>3</sub> N, TKN, TP, TSS, and BOD under different discharge scenarios for the Heiden Road WWTP.

Commission staff updated the 2009 NR-WQM to reflect data collected since the Heiden Road WWTP approval on October 22, 2009 including data on twelve WWTPs not previously included in the model domain (See Table B-3), but have existing SPDES Permits and discharge to the Neversink watershed. Commission staff also established the grandfathered load for each existing facility (based on 1992 discharges). As such, the 2009 NR-WQM was recalibrated with said data. The Heiden Road WWTP and Beaver Lake Estates WWTP (approved March 3, 2010) were incorporated as existing facilities for the purpose of establishing effluent limits for other than in-house facilities (the Deb-El IWTP and WHO & Loch Sheldrake WWTPs). The updated



model version used to analyze projects after the Beaver Lake Estates WWTP was referenced as the August 2010 NR-WQM.

**Table B-3**

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.
Jened Recreation	0.036	NY0030562
Kutcher's Country	0.2	NY0033600
Glen Wild Hotel	0.013	NY0095877
Nachlas Enunah Bu	0.0513	NY0148164
Yellow Park Apartments	0.0062	NY0148211
Kiamesha Artesian	0.0012	NY0166090
Dillon Farms	0.002	NY0214507
Old Homestead	0.0045	NY0219576
Kutcher's Sports	0.0325	NY0249939
Huguenot Camp	0.0202	NY0250058
Victoria Colony	0.0056	NY0250813
Kyprianou	0.0008	NY0259250

In order to determine the net potential impacts to the 1992-EWQ at the BCP as a result of the in-house facility discharges, the Commission staff first used the August 2010 NR-WQM to establish grandfathered loadings for all facilities in Tables B-2 and B-3 that were in existence in 1992 (See Table B-4). Commission staff then analyzed each facility as it was permitted to discharge in 2010 and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table B-5).

**Table B-4: August 2010 NR-WQM Existing/Grandfathered Results**

Model Run	BOD5 (mg/l)	TSS (mg/l)	Total P (ug/l)	Nitrate – Nitrite N (ug/l)	TKN (ug/l)	Ammonia – N (ug/l)	D.O. (mg/l)
Mean	1.27	5.5	99	385	378	71	9.18
95% C.L. (EWQ Target)	1.5	6.3	138	433	451	91	8.91
1992 Grandfathered Condition for facilities in Tables B-2 and C-1	1.09	1.27	87	381	378	71	9.17

**Table B-5: August 2010 NR-WQM EEC**

	BOD5 (mg/l)	TSS (mg/l)	Total P (mg/l)	Nitrate – Nitrite N (mg/l)	TKN (mg/l)	Ammonia – N (mg/l)
EEC	13.5	30	1.3	1.9	3.8	1.7

Commission staff used the August 2010 NR-WQM to establish the docket holder's effluent limitations as part of the approval for Docket No. D-1981-038 CP-2. Since the issuance of Docket No. D-1981-038 CP-2, the Commission has updated the model several times. The latest model iteration is the December 2014 NR-WQM and it includes thirty-one (31) facilities. Table B-6 shows the grandfathered loads established for the docket holder's WWTP that were used during the last docket iteration.

**Table B-6: Monticello's Grandfathered Loads**

	<b>FLOW (mgd)</b>	<b>CBOD<sub>5</sub> (lbs/day)</b>	<b>TSS (lbs/day)</b>	<b>Total P (lbs/day)</b>	<b>Nitrate – N (lbs/day)</b>	<b>TKN (lbs/day)</b>	<b>Ammonia – N (lbs/day)</b>
Load	1.58	28.87	22.195	14.185	91.846	19.717	7.799

### **C. FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing 3.1 mgd WWTP, modifications proposed to the WWTP, and the discharge from the WWTP. The modifications were approved via Docket No. D-1981-038 CP-2 on March 2, 2011 and include retrofitting three (3) sequencing batch reactors (SBR) in the two (2) existing oxidation ditches and stormwater retention basin, one (1) of the existing clarifiers as an aerobic digester and the other as an equalization basin, and sludge lagoon No. 2 into reed beds. Due to funding one (1) of the clarifiers will be abandoned instead of converted to an equalization tank and a belt filter press will be utilized instead of converting lagoon No. 2 into reed beds. Additionally, the modifications include replacing the existing media filters with modular disc filters, the existing aerated grit chamber with a new vortex grit separator, the existing mechanical bar screens with fine screens, and the progressive cavity sludge handling pumps in-kind. Lastly, the modifications include upgrading energy efficiency measures in the filter, headworks and sludge buildings, and performing building improvements to accommodate new equipment.

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 entail additional construction and modification of facilities (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.q., II.r., and II.y. have been included in this docket.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 93.6 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 SPDES 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*.

#### **D. DECISION**

I. Effective on the approval date for Docket No. D-1981-038 CP-3 below:

a. The project described in Docket No. D-1981-038 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1981-038 CP-3; and

b. Docket No. D-1981-038 CP-2 is terminated and replaced by Docket No. D-1981-038 CP-3; and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in 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 electronically to the DRBC Project Review Section via email [aemr@drbc.state.nj.us](mailto: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/application/index.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. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

i. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

j. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

k. The WWTP modifications shall be completed within three years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed within three years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the modifications to the existing WWTP shall expire. If the Commission’s approval for the modifications expire under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

l. 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.

m. 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.

n. 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).

o. 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.

p. 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.

q. 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.

r. The docket holder's NPSPCP meets the general requirements of Article 3.10.3.A.2.e.1) of the Commission's *WQR*.

s. The docket holder's existing facility contains an emergency power source and a remote alarm controls. The docket holder has submitted an emergency management plan (EMP) to the Commission that is in accordance with the Commission's requirements. The docket holder shall ensure that if the proposed modifications to the WWTP require modifications to the emergency power source and/or remote alarm controls that provide for emergency power, install remote alarm controls that these modifications are performed during the modification process. The docket holder shall submit a form to the Project Review Section of the Commission confirming that the modifications meet this requirement at the same time that DECISION Condition II.j. is complied with.

t. 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.

u. 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.

v. 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.

w. 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.

x. 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.

y. 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.

z. The docket holder shall file a renewal application for its surface water and groundwater withdrawals as previously described in Docket Nos. D-2001-5 CP-1 and D-87-98 CP-1 within 60 days of docket approval (by August 9, 2015).

aa. Should the Commission discover that fecal coliform in the main-stem Delaware River exceeds the stream quality objective in the vicinity of the Neversink River and Commission staff establish that the docket holder's WWTP is contributing to the exceedance, the docket holder will be required to utilize on-site disinfection units within 15 days of notification and meet a 200 colony per 100 ml geometric average limit on a minimum of two samples per month until such time as the stream quality exceedance is rectified.

**BY THE COMMISSION**

**DATE APPROVED: June 10, 2015**

**EXPIRATION DATE: June 30, 2020**