

DOCKET NO. D-2007-011 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to the Drainage Area to Special Protection Waters

**Town of Kortright, Hamlet of Bloomville
Wastewater Treatment Plant
Town of Kortright, Delaware County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Lamont Engineers on behalf of the Town of Kortright, Hamlet of Bloomville (docket holder) on January 24, 2014 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its related discharge to groundwater via subsurface absorption beds. State Pollutant Discharge Elimination System (SPDES) renewal Permit No. NY0263125 for this facility was issued by the New York State Department of Environmental Conservation (NYSDEC) on April 16, 2012.

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 (Compact)*. The Delaware 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 0.03 million gallon per day (mgd) Bloomville WWTP and its related discharge to groundwater via subsurface absorption beds. No modifications to the WWTP facilities are proposed.
- 2. Location.** The docket holder's WWTP is located adjacent to Wright Brook and the West Branch Delaware River in the Town of Kortright, Delaware County, New York. The WWTP will continue to discharge to groundwater via subsurface absorption beds. The WWTP and subsurface absorption beds are located in the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Water (SPW).

The project subsurface absorption beds are located in the West Branch Delaware River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
Absorption Beds	42° 19' 50"	74° 48' 29"

3. **Area Served.** The docket holder's WWTP will continue to serve the Hamlet of Bloomville in the Town of Kortright, Delaware 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's 0.03 mgd WWTP will continue to utilize a septic system / sand filter treatment system with and discharge to groundwater via subsurface absorption beds.

b. **Facilities.** The WWTP facilities consist of two (2) 0.015 mgd septic tanks, sand filters located inside a building, and shallow, cut and fill absorption leach beds.

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 at the existing WWTP. (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 an Auto Dialer installed that continuously monitors plant operations and calls and notifies the operator in case of interruption. (SPW)

The docket holder has not prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements for the existing WWTP. The docket holder is required as part of this docket approval to prepare and submit an EMP to the DRBC for approval within six (6) months of approval of this docket (See DECISION Condition II.m.). (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 docket holder's existing wastewater treatment facility is not a direct discharger to SRW and is not required to provide "Best Demonstrable Technology" (BDT) as a minimum level of treatment in accordance with the Commission's SPW requirements. (SPW)

Several of the existing facilities are located in the flood hazard area (FEMA-designated 100-year flood zone). The facilities are located outside the floodway and are flood-proofed up to the flood hazard protection elevation (100-year flood elevation plus one foot).

Waste 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 groundwater wells that are owned and operated by the docket holder. The wells are operated at a withdrawal rate below the DRBC review threshold, and as such, do not require Commission approval.

d. SPDES Permit / DRBC Docket. NYSDEC issued SPDES renewal Permit No. NY0263125 for the project WWTP and groundwater discharge on April 16, 2012, which includes effluent limits for the project discharge to groundwater. The following average monthly effluent limits, based on a flow of 0.03 mgd, are for DRBC parameters listed in the Part II permit that meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in Part II permit

Subsurface Beds		
PARAMETER	LIMIT	MONITORING
Flow	Monitor & Report	As required by SPDES permit
pH (Standard Units)	Monitor & Report	As required by SPDES permit
Nitrate-Nitrogen*	20 mg/l	As required by SPDES permit

* DRBC *Water Quality Regulations* (WQR) include basin-wide ammonia-nitrogen effluent limits. Meeting the nitrate-nitrogen limit of 20 mg/l satisfies the DRBC criteria for ammonia-nitrogen

e. Relationship to the Comprehensive Plan. The docket holder's WWTP was added to the Comprehensive Plan via Docket No. D-2007-011 CP-1 on September 26, 2007. This docket (D-2007-011 CP-2) renews the approval of the WWTP and its discharge.

B. FINDINGS

This docket renews the approval of the docket holder's existing 0.03 mgd WWTP and its discharge to groundwater.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC 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. However, the project is located upstream of the Cannonsville Reservoir system, and therefore is exempt from having to submit a non-point source pollution control plan (NPSPCP).

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 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.

C. DECISION

I. Effective on the approval date for Docket No. D-2007-011 CP-2 below:

a. The project described in Docket No. D-2007-011 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-011 CP-2; and

b. Docket No. D-2007-011 CP-1 is terminated and replaced by Docket No. D-2007-011 CP-2 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 and 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* and Flood Plain Regulations (*FPR*).

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLE 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/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. 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 make wastewater discharge in such a manner as to avoid injury or damage to fish, wildlife, and/or other aquatic life 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. The docket holder shall prepare and submit an emergency management plan (EMP) within six (6) months of docket approval (by December 10, 2015).

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. 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 10, 2015

EXPIRATION DATE: November 1, 2022