

DOCKET NO. D-1988-043-3

DELAWARE RIVER BASIN COMMISSION

**Giorgio Foods, Inc.
Industrial Wastewater Treatment Plant Renewal
Maidencreek Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Penn Environmental & Remediation, Inc. on behalf of the Giorgio Foods, Inc. (docket holder) on July 1, 2013 (Application), for renewal of the docket holder's existing industrial wastewater treatment plant (IWTP) and its related discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0053091 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on February 25, 2011.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact (Compact)*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on June 10, 2014.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.50 million gallon per day (mgd) IWTP and its related discharge. There are no modifications to the existing IWTP proposed.
- 2. Location.** The docket holder's food processing facility is located on Hilltop Road in Maidencreek Township, Berks County, Pennsylvania. The IWTP will continue to discharge to Willow Creek, which is tributary to Maiden Creek, which is tributary to the Schuylkill River, at River Mile 92.5 – 86.7 – 0.6 – 2.4 (Delaware River – Schuylkill River– Maiden Creek –Willow Creek).

The project outfall is located in Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 26' 23"	75° 54' 21"

3. **Area Served.** The docket holder's IWTP will continue to serve the Giorgio Foods food processing operations at the docket holder's facility in Maiden Creek Township in Berks 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.** Domestic and process wastewater is generated at the docket holder's canning and frozen foods processing facility where vegetables are cleaned, cooked and packaged for distribution. The docket holder utilizes an activated sludge process to provide secondary biological treatment, in conjunction with a sand filter to provide tertiary treatment, and followed by disinfection via chlorination to treat up to 0.50 mgd of domestic and process wastewater.

b. **Facilities.** Existing facilities include a splitter box, a raw water pump station, a 2.7 million gallon capacity aeration basin, a 60-ft diameter 211,000-gallon clarification tank, a belt filter press sludge dewatering facility, a sand filtration unit and chemical feed system, a chlorine disinfection contact tank and chlorination equipment, dechlorination equipment, a blower building and blowers, and a Parshall flume and effluent flow meter. The facility also includes a forced draft cooling tower along with temperature controllers/recorders, cooling tower pumps, and recirculation pumps.

Up until 1989, the plant site included treatment facilities for the pretreatment of domestic and process waste water, and discharged approximately 0.25 to 0.40 mgd to the Maiden Creek Township Authority (MTA) sewage treatment plant (0.45 mgd capacity). The MTA, due to the increase in residential development in its service area, required additional treatment capacity. As a result, the docket holder eliminated its discharge to the MTA treatment plant by constructing an upgraded treatment facility for discharge of 0.50 mgd directly to Willow Creek, which is permitted under NPDES Permit No. PA0053091. In 2006, the facility upgraded the treatment facilities by constructing the draft cooling tower and appurtenant equipment.

The project facilities are not located in the 100-year floodplain.

Wasted sludge will continue to be de-watered and land applied to fields located at the docket holder's facility.

c. **Water withdrawals.** The potable water supply in the project service area is provided by three (3) wells owned and operated by the docket holder, which are not currently approved by the Commission. An application for approval of the groundwater withdrawal

associated with the facility wells is required to be submitted within 60 days of this docket approval (See DECISION Condition II.m.).

d. **NPDES Permit / DRBC Docket.** PADEP issued NPDES Permit No. PA00053091 for the project discharge on February 25, 2011, which includes final effluent limitations for the project discharge of 0.50 mgd to surface waters classified by the PADEP as high quality - cold water fishery (HQ-CWF). The following average monthly effluent limits are among those listed in the NPDES permit that meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit

OUTFALL 001 (Willow Creek)		
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
CBOD (5-Day at 20° C)		
5/1 – 10/31	10 mg/l (85% minimum removal*)	As required by NPDES permit
11/ 1-4/30	20 mg/l (85% minimum removal*)	
Ammonia-Nitrogen		
5/1 – 10/31	1.5 mg/l	As required by NPDES permit
11/ 1-4/30	4.5 mg/l	
Fecal Coliform		
(5/1 to 9/30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
(10/1 to 4/30)	2000 colonies per 100 ml as a geo. avg.	
Total Dissolved Solids**	1,000 mg/l	As required by NPDES permit
Color (Pt-Co)	100 Units	As required by NPDES permit
Temperature	See Temperature Table below	As required by NPDES permit

* DRBC Requirement

** See DECISION Condition II.q.

EFFLUENT TABLE A-2: TEMPERATURE TABLE:

Period	Allowable IWTP Effluent Temperature (°F)
Jan 1- 15	42 °F
Jan 16 – 31	40 °F
Feb 1 - 15	40 °F
Feb 16 – 29	42 °F
March 1 – 31	46 °F
April 1 – 15	52 °F
April 16 – 30	58 °F
May 1 – 15	64 °F
May 16 – 31	72 °F
June 1 -15	80 °F
June 16 – 30	84 °F
July 1 - 31	87 °F
August 1- 31	87 °F

Period	Allowable IWTP Effluent Temperature (°F)
September 1- 15	84 °F
September 16 – 30	78 °F
October 1- 15	72 °F
October 16 – 31	66 °F
November 1- 15	58 °F
November 16 – 30	55 °F
December 1- 15	51 °F
December 16 – 31	47 °F

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.50 mgd IWTP. There are no modifications to the existing IWTP proposed.

At the project site, the Willow Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.9 mgd (1.3 cfs). The ratio of this low flow to the design discharge rate from the 0.50 mgd IWTP is approximately 2:1.

The nearest downstream surface water intake of record for public water supply is located approximately 35 miles downstream of the docket holder's IWTP on the Schuylkill River, and is owned and operated by the City of Pottstown.

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-1988-043-3 below, Docket No. D-1988-043-2 is terminated and replaced by Docket No. D-1988-043-3.

II. The project and appurtenant facilities as described in the 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 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 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. The docket holder is required to complete and submit an application for DRBC approval of the existing groundwater withdrawal from the three (3) on-site wells that serve the docket holder's facility within 60 days of docket approval (by August 10, 2014).

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 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.

r. 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.

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.

BY THE COMMISSION

DATE APPROVED: June 11, 2014

EXPIRATION DATE: February 28, 2021