

DOCKET NO. D-2006-014-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Ingersoll-Rand Company
Phillipsburg Commerce Park Groundwater Treatment Plant
Town of Phillipsburg, Warren County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Geosyntec Consultants on behalf of the Ingersoll-Rand Company (IRC or docket holder) on October 7, 2013 (Application), for renewal of the docket holder's existing Phillipsburg Commerce Park groundwater treatment plant (GWTP) and its discharge. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJG0004049 for this facility was issued by the New Jersey Department of Environmental Protection (NJDEP) on December 20, 2013, effective January 1, 2014.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Warren County Planning Department 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 0.09 million gallons per day (mgd) GWTP and its discharge.
- 2. Location.** The GWTP will continue to discharge treated effluent to Lopatcong Creek at River Mile 182.0 – 1.87 (Delaware River – Lopatcong Creek) via Outfall No. DSN002A, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in the Town of Phillipsburg, Warren County, New Jersey as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
DSN002A	40° 41' 33"	75° 10' 1.1"

3. **Area Served.** The docket holder's GWTP will continue to serve the eight (8) on-site recovery wells located at the former Ingersoll-Rand property, which is now named Phillipsburg Commerce Park, located in Warren County, New Jersey. 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 0.09 mgd GWTP.

b. **Facilities.** The GWTP consists of an oil/water separator, a holding tank, two (2) bag filters, and two (2) organic clay filters that treat petroleum impacted groundwater from eight (8) remediation wells prior to discharge.

The docket holder's GWTP will continue to discharge to waters classified as SPW, but is not required to have available emergency power. The GWTP will not have a generator available for emergency power supply because if power is lost, the pumps that withdraw water from the eight remediation wells stop production and the GWTP ceases to function. Dockets Nos. D-2006-14-1 and D-2006-014-2 did not require the docket holder to install emergency power to the existing GWTP for this reason and approval of this docket will continue the docket holder's exemption of this requirement.

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 GWTP has a remote alarm system installed that continuously monitors plant operations.

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

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 provided by Aqua New Jersey.

The GWTP is designed to treat less than 100,000 gallons per day as a 30-day average and therefore the groundwater withdrawals associated with this project are also below 100,000 gallons per day as a 30-day average and do not require Commission approval.

d. **NJPDES Permit / DRBC Docket.** NJPDES Permit No. NJG0004049 was issued by the NJDEP on December 20, 2013 (effective January 1, 2014) and includes final effluent limitations for the project discharge of 0.09 mgd to surface waters classified by the NJDEP as a fresh water, trout propagation [FW2-TP (C1)] stream. The following average monthly effluent limits are among those listed in the NJPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN002A (GWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5 at all times	As required by NJPDES Permit
Total Suspended Solids	25 mg/l	As required by NJPDES Permit

The requirement in EFFLUENT TABLE A-2 is not listed in the NJPDES Permit, but is a Commission basin-wide parameter that must be met as a condition of this docket approval. Commission staff have requested NJDEP include this parameter in future Permits for this facility and monitoring shall continue for each parameter accordingly (See DECISION Condition II.d.).

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

OUTFALL DSN002A (GWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	Monthly

* See DECISION Condition II.p.

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

B. **FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing 0.09 mgd GWTP and its discharge.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (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. (Lower 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. 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. Accordingly, DECISION Conditions II.l. and II.s. have been included in this docket.

Near the docket holder's GWTP discharge, Lopatcong Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 3.93 mgd (6.1 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.09 mgd GWTP is 43.67 to 1.

The nearest surface water intake of record for public water supply is located approximately 32 River Miles downstream of the docket holder's GWTP on the Delaware River and is operated by the North Penn Water Authority.

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 NJPDES 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-2006-014-3 below, Docket No. D-2006-014-2 is terminated and replaced by Docket No. D-2006-014-3.

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 NJDEP in its NJPDES 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.

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. 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.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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.

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.

r. 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.

BY THE COMMISSION

DATE APPROVED: June 11, 2014

EXPIRATION DATE: December 31, 2018