

DOCKET NO. D-2007-034 CP-3

DELAWARE RIVER BASIN COMMISSION

**Ruscombmanor Township
Golden Oaks Wastewater Treatment Plant
Ruscombmanor 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 LTL Consultants, Ltd on behalf of Ruscombmanor Township (RT or docket holder) on May 6, 2013 (Application), for renewal of the docket holder's existing Golden Oaks wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0085782 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on May 15, 2009, effective June 1, 2009. Renewal of the NPDES Permit is expected shortly.

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 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 0.05 million gallons per day (mgd) WWTP and its discharge.
2. **Location.** The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Furnace Creek at River Mile 92.47 – 54.15 – 16.75 – 1.03 – 3.63 – 2.17 (Delaware River – Schuylkill River – Manatawny Creek – Little Manatawny Creek – Furnace Creek – UNT) via Outfall No. 001, in Ruscombmanor Township, Berks County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 25' 20"	75° 49' 25"

3. **Area Served.** The docket holder's WWTP will continue to serve domestic wastewater from homes and commercial businesses located in Ruscombmanor Township, 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. The docket holder will continue to operate its existing 0.05 mgd WWTP.

A future expansion to 0.075 mgd has been granted Part II approval by PADEP. An application to and receipt of DRBC docket approval is required prior to the initiation of bidding and award of construction contracts for this expansion to 0.075 mgd (See DECISION Condition II.s.).

b. Facilities. The existing WWTP consists of two equalization tanks, six aeration tanks, two clarifiers, two (2) sludge holding tanks, a chlorine contact tank, and a post treatment clarifier and aeration tank. The Erhardt Lane Pump Station will continue to pump waste via a force main to the facility.

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 separate on-lot wells.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0085782 was issued by the PADEP on May 15, 2009 (effective June 1, 2009) and includes final effluent limitations for the project discharge of 0.05 mgd to surface waters classified by the PADEP as Cold Water Fishery (CWF). Renewal of the NPDES Permit is expected shortly. The following average monthly effluent limits are among those listed in the current NPDES Permit, are expected to be renewed, 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 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
CBOD ₅ (at 20° C)	25 mg/l (85% Removal)	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit

The requirement in EFFLUENT TABLE A-2 is not listed in the current NPDES Permit, but is a Commission basin-wide parameter that must be met as a condition of this docket

approval and was included in the prior docket. Commission staff have requested PADEP include this parameter in their renewed Permit.

EFFLUENT TABLE A-2: DRBC Parameter Not Included in NPDES Permit

OUTFALL 001 (WWTP)		
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 WWTP renewal.

f. **Relationship to the Comprehensive Plan.** The 0.025 mgd Golden Oaks WWTP, its proposed expansion to 0.075 mgd, and its discharge were incorporated into the Comprehensive Plan with the approval of Docket No. D-2007-034 CP-1 on March 11, 2009. The WWTP reduction from 0.075 mgd to 0.05 mgd and its discharge were incorporated into the Comprehensive Plan upon approval of Docket No. D-2007-34 CP-2 on October 22, 2009. Issuance of this docket will continue approval of the 0.05 mgd Golden Oaks WWTP and its discharge in the Comprehensive Plan (See DECISION Condition I.c.).

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.05 million gallons per day (mgd) WWTP and its discharge.

At the docket holder's WWTP discharge, the UNT of Furnace Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of less than 0.1 cubic feet per second (cfs) and is therefore classified as an intermittent stream by the Commission's definition.

During the last docket cycle the docket holder's WWTP violated its total dissolved solids (TDS) limit of 1,000 mg/l twice in a two year period. As a result Commission staff have amended TDS monitoring from quarterly to monthly. The Commission's Compliance Section has been notified of the violations (See DECISION Condition II.q.). Should additional violations occur the docket holder may be required to perform a TDS analysis to determine the source of TDS and propose modifications to the WWTP or an individual source's collection system. to come into compliance with the Commission's 1,000 mg/l basin-wide TDS effluent limit on a more regular basis since the receiving stream does not have the capacity to allow for a TDS variance.

The nearest surface water intake of record for public water supply is located approximately 32.5 River Miles downstream of the docket holder's WWTP on the Schuylkill River and is operated by Pennsylvania American Water Company.

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-2007-034 CP-3 below:

a. The project described in Docket No. D-2007-34 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-034 CP-3; and

b. Docket No. D-2007-34 CP-2 is terminated and replaced by Docket No. D-2007-034 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 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 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. 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. 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.

s. The PADEP has given Part II approval to expand the facility to 0.0645 mgd in the future. An application to and receipt of DRBC docket approval is required prior to the initiation of bidding and award of construction contracts for any expansion to the facility.

BY THE COMMISSION

DATE APPROVED: June 11, 2014

EXPIRATION DATE: May 31, 2019