

**DOCKET NO. D-2010-033-2**

**DELAWARE RIVER BASIN COMMISSION**

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

**Thomas & Betts Corporation  
Elastimold Non-Contact Cooling Water Discharge  
Washington Township, Morris County, New Jersey**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Thomas & Betts Corporation (T&B or docket holder) on August 6, 2013 (Application), for renewal of the docket holder's existing non-contact cooling water (NCCW) discharge from its Elastimold electronic equipment plant (EEEP). New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0004812 for this facility was issued by the New Jersey Department of Environmental Protection (NJDEP) on July 2, 2009, effective August 1, 2009. Renewal of the NJPDES Permit is expected shortly.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Morris County Planning Board 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 discharge of up to 0.255 million gallons per day (mgd) of NCCW and stormwater.
- 2. Location.** NCCW will continue to discharge to an unnamed tributary (UNT) of the Musconetcong River at River Mile 174.6 – 27.9 – 0.12 (Delaware River – Musconetcong River – UNT) via Outfall No. 004A, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in Washington Township, Morris County, New Jersey as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
004A	40° 49' 10.9"	74° 49' 56.7"

- 3. Area Served.** NCCW and stormwater from the EEEP will continue to be serviced by Outfall No. 004A. 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 discharge up to 0.255 mgd of NCCW and stormwater from its EEEP.

b. Facilities. The 0.255 mgd NCCW and stormwater discharge is not treated and cools the on-site electronics equipment facilities.

The docket holder's NCCW discharge is exempt from providing emergency power, remote alarm systems, and an emergency management plan because there is no treatment of the NCCW discharge and if the discharge was interrupted for an extended period of time, there would be no threat to the water quality of the receiving stream.

The EEEP is not located in the 100-year floodplain.

Sanitary wastewater from the EEEP is discharged into the Hackettstown Municipal Utilities Authority (HMUA) collection system for treatment at the HMUA WWTP, which was approved by the Commission on July 18, 2007 via Docket No. D-91-30 CP-2.

c. Water withdrawals. The potable water supply in the project service area is supplied by the HMUA. The Commission approved Docket No. D-2004-23 CP-1 for HMUA's withdrawal on December 7, 2005.

The docket holder supplies more than half of the process water via on-site Well No. 3, which was approved by the Commission on June 25, 1997 via Docket No. D-95-54. This project is classified as a Category F Project according to Section IV.C.1. of the Administrative Agreement Between the DRBC and NJDEP (AA), enacted on December 18, 2009. Future activities for the project will continue to be regulated by NJDEP in accordance with Section IV.C.4. of the AA. Applications for modifications or renewals of permits associated with this approval shall be submitted to NJDEP. The Commission conducts no review unless review and/or docket action or technical assistance is requested by the DRBC Commissioner from the State of New Jersey for this withdrawal in accordance with the AA.

d. NJPDES Permit / DRBC Docket. NJPDES Permit No. NJ0004812 was issued by the NJDEP on July 2, 2009 (effective August 1, 2009) and includes final effluent limitations for the project discharge of up to 0.255 mgd of NCCW and stormwater to surface waters classified by the NJDEP as a fresh water – trout propagating (C1) waterbody. Renewal of the NJPDES Permit is expected shortly. The following average monthly effluent limits are among those listed in the current NJPDES 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 NJPDES Permit**

OUTFALL 004A (NCCW Discharge)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NJPDES Permit
Total Suspended Solids	20 mg/l (daily maximum)	As required by NJPDES Permit

OUTFALL 004A (NCCW Discharge)		
PARAMETER	LIMIT	MONITORING
Temperature	21 ° C (Instantaneous Maximum)	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 their renewed Permit (See DECISION Condition II.d.).

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

OUTFALL 004A (NCCW Discharge)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids *	1,000 mg/l	Monthly

\* See DECISION Condition II.o.

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

## **B. FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing discharge of up to 0.255 mgd of NCCW and stormwater.

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.

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 Condition II.k. has been included in this docket.

At the docket holder's NCCW discharge, the UNT of the Musconetcong River has an estimated seven-day low flow with a recurrence interval of ten years ( $Q_{7-10}$ ) of 0.65 mgd (0.1 cfs). The ratio of this low flow to the maximum NCCW and stormwater discharge of up to 0.255 mgd is 2.5 to 1.

The nearest surface water intake of record for public water supply is located approximately 46 River Miles downstream of the docket holder's discharge 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-2010-033-2 below, Docket No. D-2010-033-1 is terminated and replaced by Docket No. D-2010-033-2.

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. 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.

g. The docket holder is permitted to 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.

h. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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.

**BY THE COMMISSION**

**DATE APPROVED: June 11, 2014**

**EXPIRATION DATE: July 31, 2019**