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DOCKET NO. D-2000-043 CP-4

DELAWARE RIVER BASIN COMMISSION

**East Marlborough Township
Unionville Regional Sewage – Wastewater Treatment Plant
East Marlborough Township, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by East Marlborough Township (EMT or docket holder) on June 28, 2017 (Application), for renewal of the docket holder's existing Unionville Regional Sewage (URS) wastewater treatment plant (WWTP) and its discharge. Water Quality Management (WQM) Permit No. 1500416 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on May 20, 2016.

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 Chester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 16, 2018.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.44 million gallons per day (mgd) URS WWTP and its discharge to land via spray irrigation.

2. **Location.** The WWTP will continue to discharge treated effluent to land via spray irrigation fields located in the West Branch Red Clay Creek Watershed, within the drainage area to Water Quality Zone C5, in East Marlborough Township, Chester County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
Spray Fields	39° 52' 29"	75° 43' 33"

3. **Area Served.** The docket holder’s WWTP will continue to serve East Marlborough Township located in Chester 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’s 0.44 mgd WWTP utilizes an aerated lagoon treatment process with chlorine disinfection.

b. **Facilities.** The WWTP facilities consist of an influent pump station, an automatic rotary drum screen, a manual bar screen, a two-zone aerated lagoon system with lining and surface aerators, a three-zone aerated lagoon with lining and surface aerators, a 50-million-gallon capacity effluent storage lagoon, two chlorine disinfection units, a filtration reed bed, and spray irrigation pump stations. The WWTP discharges to approximately eighty-eight acres of local effluent spray irrigation fields.

The docket holder currently operates sixteen groundwater monitoring sites on and around the spray fields and is required to submit all data to PADEP quarterly.

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

Dried lagoon 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 the Chester Water Authority (CWA) and from individual on-lot wells. The CWA’s water supply withdrawal is described in detail in Docket No. D-1984-055 CP.

d. **Effluent Requirements.** EFFLUENT TABLE A-1 below contains effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.I.d.). WQM Permit No. 1500416 was re-issued by the PADEP on May 20, 2016 and includes final effluent limitations for the project discharge of 0.44 mgd to land via spray irrigation. The following average monthly effluent limits are among those listed in the WQM Permit and meet or are more stringent than the effluent requirements of the DRBC.

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

URS WWTP Treated Effluent Discharging to Spray Irrigation Fields		
PARAMETER	LIMIT	MONITORING
Flow	Monitor & Report	As required by WQM Permit
pH (Standard Units)	6 to 9 at all times	As required by WQM Permit
Total Suspended Solids	30 mg/l	As required by WQM Permit
CBOD ₅ (at 20° C)	25 mg/l	As required by WQM Permit
Total Nitrogen*	Monitor & Report*	As required by WQM Permit

URS WWTP Treated Effluent Discharging to Spray Irrigation Fields		
PARAMETER	LIMIT	MONITORING
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by WQM Permit

*DRBC Water Quality Regulations include Ammonia-Nitrogen as a basin-wide parameter. Total Nitrogen monitoring is considered to satisfy the DRBC parameter for Ammonia-Nitrogen.

e. **Relationship to the Comprehensive Plan.** The WWTP was first added to the Comprehensive Plan on September 27, 1995 via Docket No. D-1995-022 CP, as the 0.125 mgd Wollaston Road WWTP. The WWTP was renamed as the Unionville Regional Sewage (URS) WWTP and the flow was expanded to the existing 0.44 mgd as described in the approval of the Docket No. D-2000-043 CP on February 28, 2001. The approval of Docket No. D-2000-043 CP additionally described the decommissioning of the Baltimore Pike WWTP (D-1987-082 CP) and Dolkeith Farm WWTP. The existing 0.44 mgd URS WWTP and its approval was continued in the Comprehensive Plan on December 7, 2005 and July 10, 2013, via Docket Nos. D-2000-043 CP-2 and D-2000-043 CP-3, respectively. Issuance of this docket will continue the approval of the 0.44 mgd URS WWTP in the Comprehensive Plan (See DECISION Condition C.I.c.).

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.44 mgd URS WWTP and its related discharge to land via spray irrigation fields. No modification to the WWTP are proposed.

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 WQM 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-2000-043 CP-4 below:

a. The project described in Docket No. D-2000-043 CP-3 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2000-043 CP-4; and

b. Docket No. D-2000-043 CP-3 is terminated and replaced by Docket No. D-2000-043 CP-4; 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 WQM Permit.

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 TABLES 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/pr/info.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 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. 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. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges 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, 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 docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).

n. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

o. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

p. 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.

q. 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.

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

APPROVAL DATE:

EXPIRATION DATE: June 30, 2023