

3/30/2018 3:40 PM

DOCKET NO. D-2007-043 CP-3

DELAWARE RIVER BASIN COMMISSION

**East Brandywine Township Municipal Authority
Hillendale Wastewater Treatment Plant
East Brandywine 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 Hydraterra Professionals, LLC on behalf of East Brandywine Township Municipal Authority (EBTMA or docket holder) on August 3, 2017 (Application), for renewal of the docket holder's construction approval of the Hillendale wastewater treatment plant (WWTP) and its discharge. Water Quality Management (WQM) Permit No. 1507406 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) for this proposed facility on June 18, 2013.

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 proposed construction of the 0.0554 million gallons per day (mgd) Hillendale WWTP and its discharge to land via drip dispersal fields. No modifications to the previously approved construction project are proposed.
- 2. Location.** The 0.0554 mgd Hillendale WWTP will discharge treated effluent to land via drip irrigation areas located within the drainage area to the Brandywine-Christina River Watershed, the WWTP and all fields will be located in East Brandywine Township, Chester County, Pennsylvania, as follows:

LOCATION	LATITUDE (N)	LONGITUDE (W)
WWTP	40° 2' 38"	75° 43' 23"
Drip Area 1 (Zones 1 - 6)	40° 2' 40"	75° 43' 0"
Drip Area 2 (Zones 7 - 12)	40° 2' 33"	75° 43' 56"
Drip Area 3 (Zones 13 - 14)	40° 2' 28"	75° 43' 41"
Drip Area 4 (Zones 15 - 16)	40° 2' 22"	75° 43' 35"

3. **Area Served.** The docket holder's proposed Hillendale WWTP will serve a proposed residential subdivision within East Brandywine Township, 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 0.0554 mgd proposed Hillendale WWTP will utilize a Sequencing Batch Reactor (SBR) treatment process with ultraviolet (UV) disinfection. The effluent will be stored then discharged via land application on multiple drip irrigation disposal fields. The design hydraulic capacity is rated at 0.061 mgd.

b. **Facilities.** The Hillendale WWTP facilities will consist of grinder, an equalization tank, a SBR basin, a post-equalization basin, a dual-disk cloth media filter, an UV disinfection unit, an aerobic digester, an effluent storage tank. Treated effluent will be discharged to four separate drip disposal areas (8.9 acres), the land within these areas will be classified into sixteen separate drip disposal zones.

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

Wasted sludge will 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 public water supply distribution system owned by Aqua Pennsylvania, Inc. The water withdrawal is described in detail in Docket No. D-1990-050 CP-3, which was approved on June 11, 2014.

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. 1507406 was issued by the PADEP on June 18, 2013. 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

Discharging to Drip Irrigation Areas		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by WQM Permit
Total Suspended Solids	10 mg/l	As required by WQM Permit
CBOD ₅ (at 20° C)	10 mg/l	As required by WQM Permit
Total Nitrogen*	10 mg/l	As required by WQM Permit
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. The total nitrogen effluent limit is considered to satisfy the DRBC parameter for ammonia-nitrogen.

e. **Cost.** The overall cost of this proposed project is estimated to be \$3,200,000.

f. **Relationship to the Comprehensive Plan.** The construction of the proposed 0.0554 mgd Hillendale WWTP was included into the Comprehensive Plan on May 14, 2008, via the approval of the Docket No. D-2007-043 CP-1. The proposed construction was continued in the Comprehensive Plan on May 8, 2013, via the approval of Docket No. D-2007-043 CP-2. Issuance of this docket will continue the approval of the docket holder's proposed construction of the 0.0554 mgd Hillendale WWTP (See DECISION Condition C.I.c.).

B. FINDINGS

The purpose of this docket is to renew approval for construction 0.0554 (mgd) Hillendale WWTP and its discharge. No modifications to the previously approved construction project 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-2007-043 CP-3 below:

a. The project(s) described in Docket No(s). D-2007-043 CP-3 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2007-043 CP-3; and

b. Docket No(s). D-2007-043 CP-3 is terminated and replaced by Docket No. D-2007-043 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 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. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

i. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

j. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project is to be placed in operation.

k. This docket approval shall expire three years from the approval date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

l. 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.

m. 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.

n. 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).

o. 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.

p. 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.

q. 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).

r. 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).

s. 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).

t. 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.

u. 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.

v. 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, 2020