

DOCKET NO. D-2008-025 CP-3

DELAWARE RIVER BASIN COMMISSION

**Aqua Pennsylvania, Inc. – Ridley Creek
Water Filtration Plant Discharge
Middletown Township, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by East Latitude, LLC on behalf of Aqua Pennsylvania, Inc. (Aqua PA or docket holder) on December 5, 2016 (Application), for renewal of the existing Ridley Creek Water Filtration Plant (WFP) and its filter backwash discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0052159 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 2, 2013, effective February 1, 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 Delaware County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 16, 2017.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing 6.0 million gallons per day (mgd) Ridley Creek WFP and its filter backwash discharge. The WFP has an average annual flow of 0.15 mgd.
- 2. Location.** The WFP will continue to discharge filter backwash to Ridley Creek, which is a tributary to Water Quality Zone 4 of the Delaware River at River Mile 83.80 - 8.61 (Delaware River – Ridley Creek) via Outfall No. 001, in the Middletown Township, Delaware County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 54' 57"	___75° 24' 12"

- 3. Area Served.** Outfall 001 discharges filter backwash from the docket holder's WFP in Middletown Township, Delaware County, Pennsylvania. For the purpose of defining the Area Served, sections 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 operates a 6.0 mgd WFP that discharges 0.150 mgd of filter backwash to Ridley Creek. The filter backwash is discharged to Ridley Creek via Outfall 001.

b. **Facilities.** Water from Ridley Creek and Chester Creek is treated with alum, lime, carbon, and chlorine prior to entering a flocculation tank. Water is then sent to a sedimentation basin where larger particles are removed from the process. Water is then treated with ammonia and fluoride prior to final filtration for the distribution system. Backwash from the system is sent to an equalization tank prior to being discharged to Ridley Creek. Residuals are pumped to the Media WWTP, approved by DRBC Docket No. D-1986-042 CP on June 25, 1986.

The project facilities are not located in the 100-year flood hazard area.

c. **Water withdrawals.** The potable water supply for this facility from both Chester and Ridley Creek are described in detail in Docket No. D-1985-029 CP, which was approved on December 18, 1985.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0052159 was issued by the PADEP on January 2, 2013 (effective February 1, 2013) and includes final effluent limitations for the project discharge of 0.15 mgd to surface waters classified by the PADEP as Trout Stocking Fishery (TSF). The following average monthly effluent limits are among those listed in the NPDES Permit 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 (Ridley Creek)		
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

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit, but are Commission basin-wide parameters that must be met as a condition of this docket approval.

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

OUTFALL 001 (Ridley Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l **	Quarterly*

* DRBC Requirement

** See DECISION Condition C.II.r.

e. **Cost.** There is no construction cost associated with this project.

f. **Relationship to the Comprehensive Plan.** The docket holder's 6.0 mgd WFP was added to the Comprehensive Plan upon approval of DRBC Docket No. D-1985-029 CP, which was approved on December 18, 1985. The 0.150 mgd filter backwash discharge related to the WFP was added to the Comprehensive Plan in Docket No. D-2008-025 CP-1 on March 11, 2009. The WFP was continued in the Comprehensive Plan in Docket No. D-2008-025 CP-2. Issuance of this docket will continue the discharge project in the Comprehensive Plan.

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 6.0 million gallons per day (mgd) Ridley Creek WFP and its filter backwash discharge. The WFP has an average annual flow of 0.15 mgd, which it discharges to Ridley Creek, a tributary to Delaware River in Water Quality Zone 4.

In Media (near the project site), Ridley Creek has an estimated seven-day low flow with a recurrence interval of ten years of 1.55 mgd (2.4 cfs). The flow data was obtained from USGS Gauge Station No. 01476480. The ratio of this low flow to the average design wastewater discharge from the water filtration plant is 10 to 1.

There are no known surface water intakes of record for public water supply downstream of the project discharge.

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-2008-025 CP-3 below:

a. The project described in Docket No. D-2008-025 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2008-025 CP-3; and

b. Docket No. D-2008-025 CP-2 is terminated and replaced by Docket No. D-2008-025 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.

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 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. 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. 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. 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.

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: September 13, 2017

**EXPIRATION DATE: January 31, 2023
Expected NPDES
Permit Date**