

**DOCKET NO. D-2015-011 CP-1**

**DELAWARE RIVER BASIN COMMISSION**

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

**Chai Lifeline, Inc.  
Camp Simcha Wastewater Treatment Plant  
Town of Lumberland, Sullivan County, New York**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by D. Randel Wasson, P.E. (Engineer) on behalf of Chai Lifeline, Inc. (Chai or docket holder) on May 19, 2015 (Application), for renewal of the docket holder's existing Camp Simcha wastewater treatment plant (WWTP) and its discharge, as well as approval to expand the WWTP. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0035271 for this facility was issued by the New York State Department of Environmental Conservation (NYSDEC) on May 22, 1981, effective September 1, 1981. NYSDEC is expected to renew the Permit shortly. The Engineer submitted Preliminary Plan Approval documents to the NYSDEC for the expansion project on January 15, 2015, revised May 8, 2015. The NYSDEC is still reviewing the Plan Approval application for the proposed expansion.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Division of Planning and Environmental Management has been notified of pending action. A public hearing on this project was held by the DRBC on September 15, 2015.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to approve the docket holder's existing 0.0175 million gallons per day (mgd) WWTP, its expansion to a hydraulic capacity of 0.045 mgd, and its discharge.
- 2. Location.** The WWTP will continue to discharge treated effluent to an UNT of the Delaware River at River Mile 265.4 - 0.46 (Delaware River - UNT) via Outfall No. 001, within the drainage area to the Upper Delaware Special Protection Waters (SPW), in the Town of Lumberland, Sullivan County, New York as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	41° 27' 1"	74° 48' 46"

3. **Area Served.** The docket holder's WWTP will continue to serve Camp Simcha located in the Town of Lumberland, Sullivan County, New York. 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 0.0175 mgd WWTP. This docket also approves the expansion of the WWTP to a hydraulic capacity of 0.045 mgd.

b. **Facilities.** The existing WWTP consists of on-site septic tanks, a dosing tank, two (2) open sand filters, a sludge holding tank, and a chlorine contact tank.

The expanded WWTP will consist of a bar screen, an influent equalization tank, four (4) aeration tanks, a reaeration clarifier, a sludge holding tank, a tertiary filter, and a chlorination/dechlorination tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power [Section 3.10.3A.2.d.1) of the Commission's *Water Quality Regulations (WQR)*]. The docket holder's existing facility does not have a standby power source. The docket holder is required as part of the expansion to install a standby power source for the expanded WWTP. Should the docket holder not complete construction of the expanded WWTP within three (3) years, a standby power source shall be installed at the existing WWTP (See DECISION Conditions II.k. and II.r.).

The docket holder's wastewater treatment facility is not/will not be staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements [Section 3.10.3A.2.d.2) of the Commission's *WQR*]. The existing WWTP does not have a remote alarm system installed that continuously monitors plant operations. The docket holder is required as part of the expansion to install a remote alarm system that will continuously monitor plant operation. Should the docket holder not complete construction of the expanded WWTP within three (3) years, a remote alarm system shall be installed at the existing WWTP (See DECISION Conditions II.k. and II.r.).

The docket holder's existing/expanding wastewater treatment facility has not prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 6 months of approval of this docket (See DECISION Condition II.s.). (SPW)

The docket holder has satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies in accordance with the Commission's SPW requirements. A report was submitted as part of the Application that included overland flow,

seepage beds, and wetlands as natural treatment options and concluded that soil conditions were not favorable. Commission staff agree with this conclusion.

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 supplied by the docket holder's on-site groundwater well system whose pump capacity will not allow withdrawals above 100,000 gallons per day (gpd) and therefore does not require Commission approval.

**d. SPDES Permit / DRBC Docket.** SPDES Permit No. NY0035271 was issued by the NYSDEC on May 22, 1981 (effective September 1, 1981) and includes final effluent limitations for the project discharge of 0.0175 mgd to surface waters classified by the NYSDEC as Class B. NYSDEC is expected to renew the Permit shortly. The average monthly effluent limits in EFFLUENT TABLE A-1 are among those listed in the current SPDES Permit for the 0.0175 mgd WWTP, 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 Current SPDES Permit**

<b>OUTFALL 001 (0.0175 mgd WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
Total Suspended Solids	30 mg/l	As required by SPDES Permit
BOD <sub>5</sub> (at 20° C)	15 mg/l, 85% Minimum Removal	As required by SPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit

The average monthly effluent limits in EFFLUENT TABLE A-2 are not listed in the current SPDES Permit for the 0.0175 mgd WWTP, but are Commission basin-wide and/or SPW specific parameters that must be met as a condition of this docket approval. Commission staff have requested NYSDEC include these parameters in their renewed Permit. Monitoring shall begin October 1, 2015 for each parameter (See DECISION Condition II.d.).

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

<b>OUTFALL 001 (0.0175 mgd WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Total Dissolved Solids*	Monitor & Report	Quarterly
BOD <sub>5</sub> (at 20° C) Influent	Monitor & Report	Monthly
Ammonia Nitrogen	Monitor & Report	Monthly
Phosphorus	Monitor & Report	Monthly
Dissolved Oxygen	Monitor & Report	Monthly

\* See DECISION Condition II.w.

The average monthly effluent limits in EFFLUENT TABLE A-3 are among those listed in the draft SPDES Permit for the new WWTP, are expected to become final, and meet or are more stringent than the effluent requirements of the DRBC. Monitoring shall begin upon commencement of operation of the 0.045 mgd WWTP for each parameter (See DECISION Condition II.d.).

**EFFLUENT TABLE A-3: DRBC Parameters Included in draft SPDES Permit**

OUTFALL 001 (0.045 mgd WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
BOD <sub>5</sub> (at 20° C)	5 mg/l, 85% Minimum Removal	As required by SPDES Permit
BOD <sub>5</sub> (at 20° C) Influent	Monitor & Report	As required by SPDES Permit
Total Suspended Solids	1.83 lbs/day	As required by SPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (Daily Minimum)	As required by SPDES Permit
Phosphorous	1.0 mg/l	As required by SPDES Permit
Ammonia Nitrogen (5-1 to 10-31)	1.5 mg/l	As required by SPDES Permit
(11-1 to 4-30)	2.2 mg/l	As required by SPDES Permit
Total Dissolved Solids*	1,000 mg/l	As required by SPDES Permit

\* See DECISION Condition II.w.

To protect water quality in SPW, the DRBC has based effluent limits for SPW parameters on loadings of pollutants to the receiving stream rather than concentrations. For the docket holder's information, the corresponding May through September concentration associated with the SPW loading for total suspended solids at the full permitted discharge flow of 0.045 mgd is as follows:

PARAMETER	CONCENTRATION
Total Suspended Solids	4.87 mg/l

e. **Cost.** The overall cost of this project is estimated to be \$845,000.

f. **Relationship to the Comprehensive Plan.** Issuance of this docket will incorporate the docket holder's existing and expanded WWTPs in the Comprehensive Plan (See DECISION Condition I.c.).

## B. FINDINGS

The purpose of this docket is to approve the docket holder's existing 0.0175 mgd WWTP, its expansion to 0.045 mgd, and its discharge.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *WQR*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred

twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *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 and clarity on definitions and terms were updated for the entire program.

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 entail additional construction and expansion of facilities/service area (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.q. and II.y. have been included in this docket.

According to the United States Geological Survey (USGS) Streamstats program the UNT of the Delaware River at the docket holder's WWTP discharge 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 classified by the Commission as an intermittent stream.

The NYSDEC is imposing its intermittent stream standards on the expanded WWTP. Commission staff reviewed recent discharge data since the docket holder did not have this information from the SPW designation time period (1987-1991). Commission staff have determined that with a hold the load approach the NYSDEC's proposed intermittent stream standard effluent limits are more stringent than what the Commission would impose based upon the discharge data submitted for all parameters except total suspended solids (TSS). Furthermore, the NYSDEC's Ammonia effluent limit was so restrictive that Commission staff recommend not imposing nitrogen limits for any parameter except Ammonia since the docket holder's WWTP has no potential to reach the Commission's Total Nitrogen limit of 3.75 lbs/day with NYSDEC restricting the Ammonia load to 0.56 lbs/day at full hydraulic flow.

The docket holder agreed to the hold the load approach at a meeting on July 23, 2015. As such, the effluent limits in EFFLUENT TABLE A-3 reflect the combination of NYSDEC's intermittent stream standards, the Commission's basin-wide effluent limits, and the Commission's TSS loading for the proposed expansion.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 71.8 River Miles downstream of the docket holder's WWTP, and is operated by City of Easton.

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 SPDES 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-2015-011 CP-1 below, the project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to 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 NYSDEC in its SPDES and Plan Approval Permits, 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 electronically to the DRBC Project Review Section via email [aemr@drbc.state.nj.us](mailto: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/application/index.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 reseeded 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.

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; (2) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

k. The WWTP modifications shall be completed within three years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed within three (3) years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the expanded WWTP shall expire. If the Commission’s approval of the expansion expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications. Should the docket holder not complete construction of the expansion by September 16, 2018, remote alarms and standby power shall be installed at the existing WWTP by this date in order to bring the existing facility into conformance with the Commission’s SPW requirements.

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. 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.

p. 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.

q. Prior to start of construction of the expansion, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR*.

r. The docket holder shall provide for standby power and install remote alarm controls at the expanded WWTP during construction. The docket holder shall inform the Commission as part of DECISION Condition II.j. that it has complied with this requirement.

s. The docket holder shall prepare an EMP within six (6) months of docket approval or upon completion of the expanded WWTP, whichever occurs first. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by March 16, 2016.

t. 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.



u. 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.

v. 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.

w. 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.

x. 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.

y. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

**BY THE COMMISSION**

**DATE APPROVED: September 16, 2015**

**EXPIRATION DATE: September 16, 2020**