

DOCKET NO. D-2015 -013-1

DELAWARE RIVER BASIN COMMISSION

Discharge to the Drainage Area to Special Protection Waters

**Pechiney Plastics Packaging, Inc.
Groundwater Extraction Treatment System
Washington Township and Washington Borough, Warren County, New Jersey**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the Pechiney Plastics Packaging, Inc. (PPPI or docket holder) on July 16, 2015 (Application), for approval of a new groundwater extraction treatment system (GWETS) and its discharge. The New Jersey Department of Environmental Protections (NJDEP) issued its New Jersey Pollutant Discharge Elimination System Discharge to Groundwater (NJPDES/DGW) authorization (Program Interest ID No. G000005662) for the new facility on July 15, 2015.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Warren County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on September 15, 2015.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to approve the docket holder's new 0.72 million gallons per day (mgd) GWETS and its discharge of remediated groundwater into the subsurface via injection wells. The GWETS will utilize air stripping to treat contaminated groundwater.
- Location.** The new GWETS and its discharge will be located at the Pohatcong Valley Groundwater Contamination Superfund (PVGCS) Site for Operable Unit 1 (OU1), located on NJ State Route 31 in Washington Township and the Borough of Washington, Warren County, New Jersey. The GWETS will discharge into subsurface via injection wells located in the Pohatcong Creek Watershed, in drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Water (SPW).

The project discharge is to injection wells located in the Pohatcong Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
Wells	40° 46' 7"	74° 58' 54"

3. Area Served. The proposed GWETS will treat contaminated groundwater at the PVGCS Site for OU1 in Washington Township and the Borough of Washington, Warren County, New Jersey.

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 new GWETS is designed to pump and treat contaminated groundwater at OU1 at the PVGCS site. The system will feature a 0.72 mgd GWETS utilizing air stripping to remove volatile organic compounds (VOCs), primarily trichloroethylene (TCE). Treated groundwater will be discharged into the subsurface via injection wells located on site.

b. Facilities. The docket holder's new GWETS will consist of two (2) extraction wells (POHPT1 and POHPT3), a chemical feed tank and pump, an influent equalization tank, a duplex bag filter system for removal of particulates and suspended solids, an air stripping system comprised of six (6) aeration trays and an aeration blower, an effluent equalization tank, a duplex cartridge filter system, and a post-aeration step. After post-aeration, treated effluent will be directed to four (4) injection wells to be pumped back into the regional aquifer. Extraction Wells POHPT1 and POHPT3 are designed to pump at flow rates of 60 gallons per minute (gpm) and 400 gpm, respectively. The chemical feed tank will add sequestering agent to the pumped influent groundwater to reduce fouling in the influent equalization tank and the treatment system. Off gas from the air stripper will be discharged to the atmosphere through a 40-foot tall stack.

The docket holder's groundwater treatment facility will discharge to waters classified as SPW and is required to have available emergency power. The new GWETS does not have standby power; however, the system has fail-safe/close off valves that automatically shut upon power loss. In the case of power loss, the pumps for the extraction and the groundwater extraction and treatment system wells do not operate, and therefore no groundwater is pumped through nor discharged from the system. (SPW)

The docket holder's facility will not be staffed 24 hours per day, and shall have a remote alarm system that continuously monitors facility operations in accordance with the Commission's SPW requirements. The proposed GWETS will have a remote alarm system installed that continuously monitors facility operations. (SPW)

The docket holder's has prepared an emergency management plan (EMP) for the project GWETS in accordance with Commission SPW requirements. (SPW)

Wasted sludge will be hauled off-site by a licensed hauler for disposal at a state approved facility.

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

c. **Water withdrawals.** Groundwater to be treated at the new GWETS will be pumped from Wells POHPT1 and POHPT3, operating at 60 gpm and 400 gpm, respectively, which are owned and operated by the docket holder. This water withdrawal is classified as a Category F Project according to the Administrative Agreement between the DRBC and NJDEP (AA) Section IV.C.4., enacted on December 18, 2009. 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. Water withdrawal activities for the project will be regulated by NJDEP in accordance with the AA, Section IV.C.4.

d. **NJPDES /DGW Authorization / DRBC Docket.** NJDEP issued its NJPDES/DGW authorization (Program Interest ID No. G00005662) for the new facility on July 15, 2015, which includes effluent limitations for the existing project discharge of 0.72 mgd to groundwater. The following average monthly effluent limits are among those listed in the NJPDES/DGW authorization and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC parameters included in NJPDES/DGW authorization

Subsurface Discharge		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5	As required by the NJPDES/DGW authorization
Total Dissolved Solids	500 mg/l	As required by the NJPDES/DGW authorization

Note: The NJPDES/DGW authorization includes effluent limits and monitoring for specific Metals and VOCs in addition to the parameters above.

e. **Cost.** The overall cost of this project is estimated to be \$7,430,000.00.

FINDINGS

This docket approves the docket holder’s new 0.72 mgd GWETS and its discharge of remediated groundwater into the subsurface via injection wells. The new GWETS is designed to pump and treat contaminated groundwater at OU1 at the PVGCS site, and will utilize air stripping to treat the contaminated groundwater.

The project is being constructed to address VOC impacts (primarily TCE) to groundwater at the PVGCS site. Installation of the new groundwater extraction and treatment system is required pursuant to a United States Environmental Protection Agency (USEPA) Record of Decision (R.O.D.), dated July 13, 2006, and a United States District Court, District of New Jersey Remedial Design / Remedial Action Consent Decree (Consent Decree), effective March 11, 2015. The remedy selected by the USEPA for OU1 of the PVGCS site includes the installation of groundwater extraction wells for pumping the most contaminated part of the OU1

groundwater plume, the treatment of extracted groundwater to meet the New Jersey Groundwater Quality Standards (NJ GWQS) using air stripping prior to injection back into the regional aquifer, and the performance of short- and long-term monitoring downgradient of OU1.

The proposed discharge into the regional groundwater aquifer via injection wells shall meet the requirements of DRBC WQR Section 3.40. As the proposed treatment system: 1) is designed to reduce pollutants in groundwater by pumping, treating, and re-injecting groundwater back into the regional aquifer, 2) is expected to result in improvement of the aquifer's water quality; and 3) will not degrade water quality further; the discharge is consistent with WQR Section 3.40.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (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. (Upper/Middle SPW)

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. (Lower SPW)

The project is located in the drainage area to the Lower Delaware SPW. 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 of facilities (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. The Warren County Soil Conservation District approved the Soil Erosion Control Plan for the project via letter dated June 10, 2015. Both Washington Township and Washington Borough have adopted and implemented a stormwater ordinance in accordance with the NJDEP model stormwater ordinance. Therefore, the docket holder has satisfied the NPSPCP requirements of the Commission.

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/DGW authorization 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-2015-013-1 below, 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/DGW authorization, 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 WQR and Flood Plain Regulations (FPR).

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLE 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/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 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.\

j. This docket approval shall expire three years from 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.

k. 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.

l. 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.

m. 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).

n. 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.

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. 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.

q. 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.

r. 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.

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.

t. Prior to the docket holder initiating any substantial alterations or additions to the GWETS 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