

DOCKET NO. D-2010-005-3

DELAWARE RIVER BASIN COMMISSION

Discharge to the Drainage Area of Special Protection Waters

**Kinsley Group Family LP
Kinsley Shopping Center Wastewater Treatment Plant
Chestnuthill Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Castle Valley Consultants, Inc. on behalf of the Kinsley Group Family LP (KGF or docket holder) on April 16, 2015 (Application), for renewal of the docket holder's existing Kinsley Shopping Center (KSC) wastewater treatment plant (WWTP) and its discharge. Water Quality Management (WQM) Permit No. 4509401 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on May 21, 2010.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 10, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's existing 0.02 million gallons per day (mgd) WWTP and its land discharge. The PADEP and DRBC have based effluent limits on a discharge flow of 0.0177 mgd.

2. Location. The WWTP will continue to land discharge treated effluent to on-site seepage beds in the Weir Creek Watershed near River Mile 183.66 – 40.88 – 6.3 – 6.51 – 7.40 – 2.40 (Delaware River – Lehigh River – Pohopoco Creek – Beltzville Reservoir – Pohopoco Creek – Weir Creek), within the drainage area to the Lower Delaware Special Protection Waters (SPW), in the Chestnuthill Township, Monroe County, Pennsylvania as follows:

FACILITY	LATITUDE (N)	LONGITUDE (W)
Seepage Beds	40° 55' 20"	75° 25' 14"

3. **Area Served.** The docket holder's WWTP will continue to serve the KSC located in Monroe 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 will continue to operate its existing 0.02 mgd WWTP. The PADEP and DRBC have based effluent limits on a discharge flow of 0.0177 mgd.

b. **Facilities.** The existing WWTP consists of a pre-equalization basin, a fine screen, an anoxic tank, an aeration tank, a membrane bioreactor (MBR) tank, and a sludge tank. The WWTP will continue to discharge to ten at grade seepage beds.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a generator installed capable of providing standby power.

The docket holder's wastewater treatment facility is not 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. The existing WWTP has a remote alarm system installed that continuously monitors plant operations.

The docket holder's existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements.

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 an on-site well distribution system whose pump capacity will not allow withdrawals above 100,000 gallons per day (gpd) and therefore does not require Commission approval.

d. **WQM Permit / DRBC Docket.** WQM Permit No. 4509401 was issued by the PADEP on May 21, 2010 and includes final effluent limitations for the land discharge of up to 0.0177 mgd of treated effluent. 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 NPDES Permit

Seepage Beds		
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-Day at 20° C)	10 mg/l	As required by WQM Permit
Total Nitrogen	10 mg/l	As required by WQM Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the WQM Permit, but are Commission basin-wide parameters that were included in Docket No. D-2010-005-2 and must continue to be met as a condition of this docket approval (See DECISION Condition II.d.).

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

Seepage Beds		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	Quarterly
Ammonia Nitrogen	Monitor & Report	Monthly

* See DECISION Condition II.p.

- e. **Cost.** There are no construction costs associated with this WWTP renewal.

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.02 million gallons per day (mgd) WWTP and its land discharge. The PADEP and DRBC have based effluent limits on a discharge flow of 0.0177 mgd.

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.

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. However, the project is located above the Beltzville Reservoir and due to limnological factors and time of travel future NPSPCPs are not required when facilities/service area are expanded.

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 *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2010-005-3 below, Docket No. D-2010-005-2 is terminated and replaced by Docket No. D-2010-005-3.

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, 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* 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/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. 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. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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.

q. 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

DATE APPROVED: December 9, 2015

EXPIRATION DATE: December 9, 2025