

**DOCKET NO. D-1974-091 CP-2**

**DELAWARE RIVER BASIN COMMISSION**

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

**Pocono Lakefront, LLC**

**Deer Haven and Pocono Lakefront Wastewater Treatment Plants  
Palmyra Township, Pike County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Kiley Associates, LLC on behalf of Pocono Lakefront, LLC (PL or docket holder) on October 6, 2014 (Application), for renewal of the docket holder's existing Deer Haven (DH) wastewater treatment plant (WWTP) and its discharge, as well as the amendment to the service area to include the 218 townhouses that will be included in the proposed Phase I development and the proposed PL WWTP that will ultimately replace the DH WWTP upon completion. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0041912 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on June 27, 2012, effective July 1, 2012. The PADEP is currently reviewing the docket holder's sewerage treatment plan and an application for a Water Quality Management (WQM) Permit is expected shortly.

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 Pike County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on December 9, 2014.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.07 million gallons per day (mgd) DH WWTP and its discharge. This docket also approves the amendment to the service area to include the 218 townhouses that will be included in the proposed Phase I development and the proposed 0.07 mgd PL WWTP that will replace the DH WWTP.

2. **Location.** The DH and PL WWTPs will continue to/shall discharge treated effluent to Wallenpaupack Creek, on Lake Wallenpaupack, at River Mile 277.7 – 15.6 – 8.7 (Delaware River – Lackawaxen River – Wallenpaupack Creek) via Outfall No. 001, within the drainage area to the Upper Delaware Special Protection Waters (SPW), in the Palmyra Township, Pike County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 22' 53.3"	75° 15' 3.45"

3. **Area Served.** The docket holder's existing DH WWTP will continue to serve several small communities located on and around the former White Beauty View Resort property located in Palmyra Township, Pike County, Pennsylvania. The proposed PL WWTP will serve these same communities as well as Phase 1 of the proposed development of the same name that will consist of 218 townhouses also located in Palmyra Township, Pike 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 0.07 mgd DH WWTP until the proposed 0.07 mgd PL WWTP is constructed and operational. The docket holder is also proposing to construct Phase 1 of the new PL townhouse development.

b. **Facilities.** The existing DH WWTP consists of a comminutor with bar screen, two (2) aeration tanks, two (2) settling tanks, a chemical feed unit, a gravity filter, a chemical waste tank, two (2) aerated sludge holding tanks, and a chlorine contact tank. Treated effluent will continue to discharge to Lake Wallenpaupack via Outfall No. 001.

The proposed PL WWTP will consist of three (3) influent pump stations, a septic/equalization tank, an external buffer tank, an inlet pump system, two (2) submerged aeration fixed film bioreactors working in parallel, two (2) sludge holding tanks, and an ultraviolet (UV) disinfection unit. Upon completion of the WWTP, treated effluent will discharge to Lake Wallenpaupack via existing Outfall No. 001 and the DH WWTP will be demolished. The docket holder is currently obtaining sewerage treatment plan approval from the PADEP. Upon issuance of the approval the docket holder will then submit a WQM Permit application to PADEP. DECISION Condition II.x. requires that the docket holder submit Final Plans and Specifications for the PL WWTP to the Executive Director for review and be granted approval prior to the start of construction. Commission staff recommend the Plans and Specifications be submitted at the same time that they are submitted to PADEP for review as to ensure that the construction timeline is not placed in jeopardy.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The docket holder is required to install a generator capable of providing emergency power at the PL WWTP during construction of the WWTP. Should construction of the PL WWTP fail to commence prior to the three year

construction window (See DECISION Condition II.k.), the docket holder is required to install emergency power at the DH WWTP by June 10, 2018 (See DECISION Condition II.q.).

The docket holder's existing/proposed 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. The docket holder is required to install remote alarms at the PL WWTP during construction of the WWTP. Should construction of the PL WWTP fail to commence prior to the three year construction window (See DECISION Condition II.k.), the docket holder is required to install remote alarms at the DH WWTP by June 10, 2018 (See DECISION Condition II.q.).

The docket holder has prepared an emergency management plan (EMP) in accordance with Commission SPW requirements as part of the Application for the DH and PL WWTPs. Commission staff have reviewed the EMP and confirm that it is in accordance with the Commission's SPW requirements and therefore shall be implemented as proposed.

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 Deer Haven, LLC. The withdrawals for the service area are less than 100,000 gallons per day (gpd) as a 30-day average and therefore do not require Commission approval.

**d. NPDES Permit / DRBC Docket.** NPDES Permit No. PA0041912 was issued by the PADEP on June 27, 2012 (effective July 1, 2012) and includes final effluent limitations for the project discharge of 0.07 mgd to surface waters classified by the PADEP as a high quality, cold water fishery (HQ-CWF). Since the PL WWTP is designed to treat the same flow as the DH WWTP and ultimately discharge utilizing its existing outfall the PADEP has not required an amended NPDES Permit be issued for this project. 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 (DH & PL WWTP)		
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
Dissolved Oxygen	6.0 mg/l (minimum)	As required by NPDES Permit
CBOD <sub>5</sub> (at 20° C)	10 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31)	3.0 mg/l	As required by NPDES Permit
(11-1 to 4-30)	9.0 mg/l	
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
(10-1 to 4-30)	2000 colonies per 100 ml as a geo.	

OUTFALL 001 (DH & PL WWTP)		
PARAMETER	LIMIT	MONITORING
	avg.	
Phosphorus	0.5 mg/l	As required by NPDES Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit for the DH WWTP, but are Commission basin-wide parameters that must be met as a condition of this docket approval. Commission staff have requested PADEP include these parameters in their next Permit. Monitoring shall begin January 1, 2015 for each parameter (See DECISION Condition II.d.).

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

OUTFALL 001 (DH WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	Quarterly
CBOD <sub>5</sub> (at 20° C) Influent	Monitor & Report	Concurrent with CBOD <sub>5</sub> effluent monitoring in the NPDES Permit

\* See DECISION Condition II.u.

The requirements in EFFLUENT TABLE A-3 are not listed in the NPDES Permit for the PL WWTP, but are Commission basin-wide parameters that must be met as a condition of this docket approval. Commission staff have requested PADEP include these parameters in their next Permit. Monitoring shall begin upon start of operation of the PL WWTP for each parameter (See DECISION Condition II.d.).

**EFFLUENT TABLE A-3: DRBC Parameters Not Included in NPDES Permit**

OUTFALL 001 (PL WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	Quarterly
CBOD <sub>5</sub> (at 20° C)	85% minimum removal	Concurrent with CBOD <sub>5</sub> effluent monitoring in the NPDES Permit

\* See DECISION Condition II.u.

e. **Cost.** The overall cost of this project is estimated to be \$12,143,000.

f. **Relationship to the Comprehensive Plan.** Issuance of this docket shall incorporate both the 0.07 mgd DH and PL WWTPs into the Comprehensive Plan (See DECISION Condition I.c.).

## B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.07 mgd DH WWTP and its discharge. This docket also approves the amendment to the service area to include the 218 townhouses that will be included in the proposed Phase I development and

accompanying 0.07 mgd PL WWTP that will replace the DH WWTP upon completion of construction.

The proposed PL WWTP will not have the capacity to serve the docket holder's Phase 2 project consisting of an additional 80 townhouses. Prior to the start of Phase 2 the docket holder intends to undergo a treatment plant review to determine if the WWTP can be reconfigured to handle the additional 80 townhouses prior to design of any proposed WWTP expansions. The docket holder has indicated that the reduction of a substantial amount of the existing inflow and infiltration within the existing collection system will result in elimination of the need to expand the 0.07 mgd PL WWTP. Prior to construction of Phase 2 commencing and/or the decision to expand the PL WWTP beyond 0.07 mgd the docket holder shall submit an application to the Commission for review and approval to expand the service area to include these additional 80 townhouses and/or approve any proposed expansions to the WWTP (See DECISION Condition II.w.).

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.

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.

In accordance with Section 3.10.3A.2.f.1) of the Commission's *WQR*, following consultation between the PADEP and Commission staff, Commission staff determined that the requirements under Sections 3.10.3A.2.d.8)(e) (No Measurable Change analysis), Section 3.10.3A.2.d.8)(e) [Non-Point Source Pollution Control Plan (NPSPCP)], 3.10.3A.2.d.8)(b) and 3.10.3A.2.c.2) (natural treatment alternatives analysis), of the Commission's *WQR* are not required as they are not necessary for the protection of existing water quality in the SPW since the existing and proposed WWTPs will continue to discharge to a water storage impoundment identified in Section 3.10.3A.2.g.5) of the Commission's *WQR* (Lake Wallenpaupack), where time of travel and relevant hydraulic and limnological factors preclude a direct impact on SPW.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 108 River Miles downstream of the docket holder's existing and proposed WWTPs, and is operated by the 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 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 *WQR*.

### C. DECISION

- I. Effective on the approval date for Docket No. D-1974-091 CP-2 below:
  - a. Docket No. D-74-91 is terminated and replaced by Docket No. D-1974-091 CP-2; and
  - b. 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 PADEP in its NPDES and WQM 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. Construction of the PL WWTP 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 years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval for the construction of the docket holder’s 218 townhouse development and related PL WWTP shall expire. If the Commission’s construction approval expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of the development and/or PL WWTP in the future.

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. The docket holder shall provide for emergency power and install remote alarm controls at the PL WWTP during construction. Should Commission approval of the PL WWTP expire in accordance with DECISION Condition II.k. of this docket, the docket holder shall provide emergency power and install remote alarms at the DH WWTP within six (6) months of the condition's expiration (by June 10, 2018). The docket holder shall certify in writing to the Commission's Project Review Section that it has complied with this condition within thirty (30) days of completion.

r. 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.

s. 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.

t. 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.

u. 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.

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.

w. Prior to construction of Phase 2 commencing and/or the decision to expand the PL WWTP beyond 0.07 mgd the docket holder shall submit an application to the Commission for review and approval to expand the service area to include the additional 80 townhouses proposed as part of Phase 2 and/or approve any proposed expansions to the WWTP.

x. The docket holder shall submit Final Plans and Specifications for the 0.07 mgd PL WWTP to the Executive Director for review and be granted approval prior to the start of construction.

**BY THE COMMISSION**

**DATE APPROVED: December 10, 2014**

**EXPIRATION DATE: June 30, 2022**