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DOCKET NO. D-1975-115-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Amrize Cement Inc.
Non-Contact Cooling Water Discharge
Whitehall Township, Lehigh County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 24, 2024 (Application), for renewal of the docket holder's existing non-contact cooling water (NCCW) discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0012505 for the discharge.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 4, 2026.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing 3.21 million gallons per day (mgd) discharge of NCCW.
- Location.** The docket holder's cement manufacturing facility is located at 5160 Main Street, adjacent to the Lehigh River, in Whitehall Township, Lehigh County, Pennsylvania. The facility will continue to discharge NCCW to the Lehigh River at River Mile 183.7 – 23.7 (Delaware River – Lehigh River) via Outfalls Nos. 001 and 002 in the drainage area to the Lower Delaware Special Protection Waters (SPW).

The locations of the NCCW outfalls in the Lehigh River Watershed are as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 41' 20"	75° 30' 13"
002	40° 41' 16"	75° 30' 13"

3. Area Served. The docket holder's Whitehall Cement Manufacturing Facility will continue to operate and handle the on-site NCCW used for the manufacturing processes at the plant located in Whitehall Township, Lehigh County, Pennsylvania.

For the purpose of defining the Area Served, the Type of Discharge and the Service Area sections from the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. DECISION of this docket.

4. Design Criteria. The docket holder will continue to discharge up to a total of 3.21 mgd of untreated NCCW from existing Outfalls Nos. 001 (2.41 mgd) and 002 (0.80 mgd).

5. Facilities. NCCW from four rotary compressors (one for each raw mill and finish mill), plant air compressor, feed and discharge trunnions for each mill and two cement coolers discharge to the Lehigh River through Outfall No. 001. NCCW from the kiln feed compressors (one for each kiln) and Kiln 3 cooler fan is discharged to Lehigh River through Outfall No. 002. Additionally, numerous storm drains located throughout the plant also discharge stormwater through Outfalls Nos. 001 and 002.

Sanitary wastewater from the manufacturing facility is discharged to the Whitehall-Coplay collection system for treatment at the City of Allentown Kline's Island WWTP, which was approved by the Commission on August 6, 1997, via Docket No. D-1997-14 CP.

The docket holder does not operate a treatment facility and therefore standby power, and a remote alarm system are not required to be installed, nor is an emergency management plan (EMP) required to be submitted and approved. (SPW).

The docket holder's manufacturing facility is not located in the 100-year floodplain.

No sludge is generated at the facility.

6. Water Withdrawals. Cooling water is provided by an intake in the Lehigh River, the Cementon Quarry and two groundwater wells owned and operated by the docket holder. The withdrawals are described in detail in Docket No. D-1974-189-3, approved on September 8, 2022.

The potable water supply is provided by the Northampton Borough Water Authority and is described in detail in DRBC Docket No. D-2004-006 CP-3, which was approved on December 6, 2023.

7. NPDES Permit / DRBC Effluent Requirements. NPDES Permit No. PA0012505 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting trout stocking (TSF) and migratory fishes (MF).

EFFLUENT TABLE C-1 included in Section C. DECISION Condition C.1. of this docket, contains effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall Nos. 001 and 002 are based on discharge rates of 2.41 mgd and 0.80 mgd, respectively.

B. FINDINGS

The docket holder submitted an Application to renew approval of NCCW discharges of up to 2.41 mgd from Outfall No. 001 and 0.80 mgd from Outfall No. 002, for a total flow up to 3.21 mgd.

1. Special Protection Waters

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 docket holder's WWTP discharges to the drainage area to the Lower Delaware SPW. The docket holder's WWTP discharge is required to comply with the SPW requirements, as outlined in Article 3.10.3A.2. of the *WQR*.

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 in the drainage area to the SPW. Since this project does not entail additional construction or expansion of facilities and service area and there are no new or increased non-point source loads associated with this approval, the NPSPCP requirement is not applicable at this time. Accordingly, Section C. DECISION condition C.3. has been included in this docket.

2. Temperature

In July 2011, the docket holder's consultant performed a CORMIX modeling evaluation to determine the extent of the heat dissipation area for the discharge and where ambient temperatures of the receiving stream would not be exceeded by more than 5°F (2.8°C) or 87°F (36.6°C). The heat dissipation area required, as measured from Outfall No. 001, is 1,000 feet in length by 100 feet in width on a daily average basis, and 200 feet in length by 100 feet in width on a monthly average basis.

3. Other

At the project discharge, the Lehigh River has an estimated seven-day low flow with a recurrence interval of ten years of 139 mgd (215 cfs). The ratio of this low flow to the average design NCCW discharge from the facility is 43 to 1.

The nearest surface water intake of record for public water supply is located on Lehigh River approximately 6.5 River Miles downstream of the docket holder's NCCW discharge and is operated by Lehigh County Authority.

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 conform with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

Effective on the approval date for Docket No. D-1975-115-4 below, Docket No. D-1975-115-3 is terminated and replaced by Docket No. D-1975-115-4. The project and appurtenant facilities as described in Section A of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.gov on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. 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. 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 C-1: DRBC Parameters Included in NPDES Permit for Outfalls Nos. 001 and 002.

OUTFALLS No. 001 and No. 002 (NCCW and Stormwater)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NPDES Permit
Total Suspended Solids - Intake	Monitor and Report	As required by NPDES Permit
Temperature Delta (Discharge temperature – Intake temperature)	9.2 ° C (average monthly) 13.9 ° C (daily maximum) 43.3 ° C (instantaneous maximum)	As required by NPDES Permit
Total Dissolved Solids*	1,000 mg/l	As required by NPDES Permit

* See DECISION Condition C.6.

2. The docket holder owes a remaining balance of \$2,000 for this docket renewal. The balance shall be paid within sixty (60) days of issuance of this docket (by May 3, 2026) or fees may be assessed in accordance with the Commission's Penalty Matrix

Other Conditions

3. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e or receive written confirmation from the Executive Director of the DRBC that the new service area complies with a DRBC-approved NPSPCP.

4. 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.

5. 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*.

6. The docket holder may request permission from the Executive Director to perform specific conductance monitoring in lieu of TDS monitoring. The request shall be made in writing and shall include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow specific conductance monitoring in lieu of TDS monitoring.

7. Section 2.3.10 of the Commission's *Rules of Practice and Procedure (RPP)* (18 C.F.R. 401.41), limiting the Commission's approval to three years in the absence of an expenditure of substantial funds by the project sponsor in reliance on the approval, is hereby waived for good cause shown in accordance with Section 2.9.3 (18 C.F.R. 401.123) of the same regulations. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.

8. 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 C.F.R. 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 DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If 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 pending the grant or denial of the application for docket approval.

9. The docket holder is permitted to treat and discharge wastewater as set forth in the Area Served Section of this docket, which incorporates by reference the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section. Any expansion beyond that included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

10. The facility and operational records shall be available at all times for inspection by the DRBC.

11. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

12. 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.

13. 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.

14. 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.

15. 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).

16. 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, to ensure proper control, use and management of the water resources of the Basin.

17. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 C.F.R. 401.43).

18. 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 C.F.R. 401.43).

19. 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 C.F.R. 401.43).

20. 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.

21. 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 (RPP)*. 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.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: November 30, 2030