

**DOCKET NO. D-2010-005-4**

**DELAWARE RIVER BASIN COMMISSION**

**Discharge to a Tributary 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) on March 12, 2024 (Application), for renewal of the docket holder’s existing wastewater treatment plant (WWTP) and its land discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued Water Quality Management (WQM) Permit No. 4509401 A-2 for this discharge.

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 February 4, 2026.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder’s existing 0.0163 million gallons per day (mgd) WWTP and its land discharge.
- 2. Location.** The docket holder’s WWTP is located at Kinsley Drive in Chestnuthill Township, Monroe County, Pennsylvania. The WWTP will continue to discharge treated effluent to on lot 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) and is located in the drainage area to the Lower Delaware Special Protection Waters (SPW).

The location of the WWTP seepage beds is as follows:

| <b>OUTFALL NO.</b> | <b>LATITUDE (N)</b> | <b>LONGITUDE (W)</b> |
|--------------------|---------------------|----------------------|
| Seepage Beds       | 40° 55’ 20”         | 75° 25’ 14”          |

- 3. Area Served.** The docket holder’s WWTP will continue to serve KSC located in Chestnuthill Township, Monroe 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's 0.0163 mgd WWTP utilizes an activated sludge treatment process with chlorine disinfection.

5. **Facilities.** The WWTP facilities consist of influent that is conveyed to the WWTP via a grinder pump station and discharged to an aerated influent equalization tank. Transfer pumps in this equalization tank deliver the equalized influent to an influent screen and on to the Membrane Bioreactor (MBR) Treatment system. The MBR system combines elements of a suspended growth activated sludge biological treatment process and a membrane filtration solids separation process and consists of a series of three (3) separate treatment basins: an Anoxic Basin, an Aeration (sometimes called Pre-Aeration) Basin and a Membrane Reactor Basin. Filtered effluent, called permeate, from the membrane is conveyed to a series of two (2) effluent dosing storage tanks and a dosing pump station. The dosing pumps are directed by an automated control system to deliver specific amounts of effluent flow to the various disposal beds. Multiple groundwater monitoring wells are installed around the property, which are sampled quarterly to confirm that the groundwater quality is being maintained in the area. Activated sludge is wasted from the treatment process to an aerated sludge holding tank.

The docket holder's WWTP 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 WWTP 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 has prepared and implemented an emergency management plan (EMP) for the existing WWTP 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 for disposal by a licensed hauler every two weeks.

6. **Water Withdrawals.** The potable water supply in the project service area is provided 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.

7. **WQM Permit / DRBC Effluent Requirements.** WQM Permit No. 4509401 A-2 issued by the PADEP includes final effluent limitations for the land discharge of up to 0.0163 mgd of treated effluent. EFFLUENT TABLES C-1 and C-2 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 the land discharge are based on a discharge rate of 0.0163 mgd.

## **B. FINDINGS**

The docket holder applied to renew approval of their existing 0.0163 mgd WWTP and its discharge. In the previous docket, the WWTP's Design Hydraulic Capacity was 0.0177 mgd. However, the docket holder has requested to eliminate the previously approved "Primary Bed E" and its reserve replacement Bed from the permit, which reduced the design capacity to 0.0163 mgd.

### **1. Special Protection Waters**

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing 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 *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.

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 and/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.

In accordance with Section 3.10.3A.2.e.1)c. of the Commission's *WQR*, the requirements under Section 3.10.3A.2.e.1) of the *WQR* for a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the project's service area which is also located within the drainage area of Special Protection Waters is not applicable to the proposed project since the WWTP will continue to discharge to waters that drain to a water storage impoundment (Beltzville Reservoir) where time of travel and relevant hydraulic and limnological factors preclude a direct impact on SPW.

## 2. Other

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 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-2010-005-4 below, the project described in Docket No. D-2010-005-3 is removed to the extent that it is not included in Docket No. D-2010-005-4; Docket No. D-2010-005-3 is terminated and replaced by Docket No. D-2010-005-4; and 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](mailto: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 WQM Permit**

| <b>Discharge to Ungrounded Elevated Sand Mounds</b> |                     |                             |
|---|---------------------|-----------------------------|
| <b>PARAMETER</b>                                    | <b>LIMIT</b>        | <b>MONITORING</b>           |
| pH (Standard Units)                                 | 6 to 9 at all times | As required by NPDES Permit |
| Total Suspended Solids                              | 10 mg/l             | As required by NPDES Permit |
| CBOD <sub>5</sub> (at 20° C)                        | 10 mg/l             | As required by NPDES Permit |
| Total Nitrogen                                      | 10 mg/l             | As required by NPDES Permit |

| Discharge to Ungrounded Elevated Sand Mounds |                  |                             |
|--|------------------|-----------------------------|
| PARAMETER                                    | LIMIT            | MONITORING                  |
| Ammonia Nitrogen                             | Monitor & Report | As required by NPDES Permit |

EFFLUENT TABLE C-2: DRBC Parameters Not Included in WQM Permit

| Discharge to Ungrounded Elevated Sand Mounds |              |                             |
|--|--------------|-----------------------------|
| PARAMETER                                    | LIMIT        | MONITORING                  |
| Total Dissolved Solids*                      | 1,000 mg/l * | As required by NPDES Permit |

\* See DECISION Condition C.3.

### Other Conditions

2. 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*.
3. 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.
4. 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.
5. 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.
6. 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.

7. In accordance with the Commission's regulations at 18 C.F.R. Part 440, the docket holder is prohibited from discharging wastewater from high volume hydraulic fracturing ("HVHF") or HVHF-related activities to waters or land within the Basin. The docket holder is further prohibited from discharging hydraulic fracturing wastewater, whether treated or untreated, from sources within or outside the Basin, without obtaining the Commission's prior review and express approval in the form of a revised docket. Violation of this or any condition of this docket approval may result in enforcement, including the risk of financial penalties, pursuant to Section 14.17 of the Delaware River Basin Compact and Section 2.7.8 (18 CFR 401.98) of the Commission's Rules of Practice and Procedure.
8. The facility and operational records shall be available at all times for inspection by the DRBC.
9. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
10. 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.
11. 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.
12. 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.
13. 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).
14. 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.
15. 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).
16. 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).
17. 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).

**18.** 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.

**19.** 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:            March 4, 2026**

**EXPIRATION DATE:        August 12, 2035**