

DOCKET NO. D-1994-080 CP-5

DELAWARE RIVER BASIN COMMISSION

**Lyons Borough Municipal Authority
Wastewater Treatment Plant
Borough of Lyons, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 25, 2022 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0085171 for this discharge.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 8, 2023.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of the docket holder's existing 0.375 million gallons per day (mgd) WWTP and its discharge. Effluent limits from PADEP and the Commission are currently based upon an average annual flow of 0.3 mgd.

2. Location. The docket holder's WWTP is located on Hunter Street in Lyons Station, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to Sacony Creek, which is a tributary to Maiden Creek, itself a tributary to the Schuylkill River at River Mile 92.47 - 86.7 - 11.3 - 12.2 (Delaware River – Schuylkill River – Maiden Creek – Sacony Creek).

The project outfall is located in the Sacony Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 29' 13"	75° 44' 48"

3. **Area Served.** The docket holder's WWTP will continue to serve the Borough of Lyons, portions of Maxatawny Township and the East Penn Manufacturing Company (EPMC) in Berks County, Pennsylvania. The East Penn Manufacturing Company is located mostly in Richmond Township but with a portion in Lyons Borough. For the purpose of defining the Area Served, the Type of Discharge Service Area of 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 existing WWTP utilizes activated sludge, extended aeration with tertiary filters and UV disinfection.

5. **Facilities.** The docket holder's existing WWTP treatment facilities consist of a comminutor/grinder, four (4) aerated equalization tanks, three (3) aeration tanks, three (3) clarifiers, a chemical feed system (alum), three (3) gravity filters, an ultra-violet light (UV) disinfection system and a post aeration tank. Sludge handling facilities include three (3) aerobic digestors, three (3) reed beds and a screw post.

Emergency power is provided by a standby on-site generator to provide standby power in the event of power loss at the site.

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.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the Lyons Borough Municipal Authority, details for which are included in DRBC Docket No. D-1965-008 CP-1 approved on March 24, 1965.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0085171 issued by the PADEP includes final effluent limitations for the project discharge of 0.375 mgd to surface waters classified by the PADEP as supporting Cold Water Fishes (CWF) and Migratory Fishes (MF). Effluent requirements for Outfall No. 001 are based upon an average annual flow of 0.3 mgd. EFFLUENT TABLE C-1 included in Section C. DECISION Condition C.1. of this docket, contain effluent requirements for DRBC parameters that must be met as a condition of this approval.

8. **Relationship to the Comprehensive Plan.** The docket holder's WWTP was originally included in the Comprehensive Plan by DRBC Docket No. D-1994-080 on January 25, 1995 and approved by the Commission as a 0.15 mgd WWTP. The WWTP was built for a hydraulic design of 0.20 mgd; however, the change in hydraulic design was never approved by the Commission. Docket D-1994-080 CP-2 approved the expansion of the docket holder's WWTP from 0.20 to 0.375 mgd. The approval was continued in Docket Nos. D-1994-080 CP-3 and D-1994-080 CP-4 on March 6, 2013, and March 14, 2018, respectively. Issuance of this docket (D-1994-080 CP-5) will continue the WWTP in the Comprehensive Plan.

B. FINDINGS

The docket holder submitted an application to renew the approval of their existing 0.375 mgd WWTP and its discharge. Effluent limits from PADEP and the Commission are currently based upon an average annual flow of 0.3 mgd.

At the docket holder's WWTP discharge, Sacony Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.89 mgd (1.38 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.375 mgd WWTP is 2.4 to 1.

The nearest surface water intake of record for public water supply is located on Maiden Creek, downstream of Lake Ontelaunee, approximately 21 River Miles downstream of the docket holder's WWTP, and is operated by Reading Area Water 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 meeting 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-1994-080 CP-5 below, the project described in Docket No. D-1994-080 CP-4 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1994-080 CP-5; Docket No. D-1994-080 CP-4 is terminated and replaced by Docket No. D-1994-080 CP-5; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be continued in the Comprehensive Plan. 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.state.nj.us on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.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. 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

OUTFALL 001 (Discharge to Sacony Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Dissolved Oxygen	5.0 minimum	As required by NPDES permit
Total Suspended Solids	30 mg/l	As required by NPDES permit
Total Suspended Solids Influent	Monitor and Report	As required by NPDES permit
CBOD5 (5-1 to 10-31)	16 mg/l	As required by NPDES permit
(11-1 to 4-30)	25 mg/l	
CBOD5 (at 20° C) Influent	Monitor and Report	As required by NPDES permit
Total Dissolved Solids	1,000 mg/l	As required by NPDES permit
Total Nitrogen	Monitor and Report	As required by NPDES permit
Nitrate – Nitrite as N	Monitor and Report	As required by NPDES permit
Ammonia Nitrogen (5-1 to 10-31)	5.0 mg/l	As required by NPDES permit
(11-1 to 4-30)	15.0 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)	2,000 colonies per 100 ml as a geo. avg.	

* 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 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.
4. Section 2.3.10 of the Commission's *Rules of Practice and Procedure* (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.
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 or not 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.
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 CFR 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 CFR 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 CFR 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. 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 8, 2023

EXPIRATION DATE: September 30, 2029