

**DOCKET NO. D-2008-025 CP-4**

**DELAWARE RIVER BASIN COMMISSION**

**Aqua Pennsylvania, Inc. – Ridley Creek  
Water Filtration Plant Discharge  
Middletown Township, Delaware County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on July 21, 2022, for approval of the existing docket holder's Water Filtration Plant (WFP) and its filter backwash and sedimentation basin supernatant discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0052159 for this discharge.

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

**A. DESCRIPTION**

- Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing WFP and its related discharge. The WFP treats up to 6.0 million gallons per day (mgd) for public water supply and discharges up to 0.15 mgd of filter backwash.
- Location.** The project WFP will continue to discharge filter backwash to Ridley Creek, which is a tributary to Water Quality Zone 4 of the Delaware River at River Mile 83.80 - 8.61 (Delaware River – Ridley Creek) via Outfall No. 001, in the Middletown Township, Delaware County, Pennsylvania.

The WFP discharge is located in the Ridley Creek Watershed, as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	39° 54' 57"	75° 24' 12"

- Area Served.** The docket holder's WFP processes up to 6.0 mgd of surface water from Chester and Ridley Creeks for public water supply in Aqua PA's Southeast Division Distribution System. 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. **Design Criteria.** The docket holder's WFP treats up to 6.0 mgd of water withdrawn from surface water intakes on Chester and Ridley Creeks. Filter backwash is discharged up to 0.15 mgd from an equalization tank back to Ridley Creek via Outfall 001.

5. **Facilities.** Water from Ridley Creek and Chester Creek is treated with alum, lime, carbon, and chlorine prior to entering a flocculation tank. Water is then sent to a sedimentation basin where larger particles are removed from the process. Water is then treated with ammonia and fluoride prior to final filtration for the distribution system. Backwash from the system is sent to an equalization tank prior to being discharged to Ridley Creek. Residuals are pumped to the Media WWTP, approved by DRBC Docket No. D-1986-042 CP-3 on December 7, 2022.

The project facilities are not located in the 100-year flood hazard area.

Wasted sludge will continue to be hauled off-site for disposal.

6. **Water Withdrawals.** The potable water supply for this facility from both Chester and Ridley Creek are described in detail in Docket No. D-1985-029 CP-2, which was approved on September 8, 2022.

7. **NPDES Permit.** NPDES Permit No. PA0052159 was issued by the PADEP includes final effluent limitations for the project discharge of 0.15 mgd to surface waters classified by the PADEP as Trout Stocking Fishes (TSF) and Migratory Fishes (MF). 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 TABLES C-1 and C-2 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. Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.15 mgd.

8. **Relationship to the Comprehensive Plan.** The docket holder's 6.0 mgd WFP was added to the Comprehensive Plan upon approval of DRBC Docket No. D-1985-029 CP, which was approved on December 18, 1985. The 0.150 mgd filter backwash discharge related to the WFP was added to the Comprehensive Plan in Docket No. D-2008-025 CP-1 on March 11, 2009. The WFP was continued in the Comprehensive Plan in Docket Nos. D-2008-025 CP-2 and D-2008-025 CP-3 which were approved on December 5, 2012 and September 13, 2017, respectively. This docket (D-2008-025 CP-4) continues the WFP in the Comprehensive Plan.

## **B. FINDINGS**

The docket holder applied to renew the approval of their existing WFP and its related discharge. The WFP treats up to 6.0 mgd for public water supply and discharges up to 0.15 mgd of filter backwash to Ridley Creek, a tributary to Delaware River in Water Quality Zone 4. No modifications to the WFP are proposed.

Near the project site, Ridley Creek has an estimated seven-day low flow with a recurrence interval of ten years ( $Q_{7-10}$ ) of 1.55 mgd (2.4 cfs). The flow data was obtained from USGS Gauge Station No. 01476480. The ratio of this low flow to the average design filter backwash discharge from the water filtration plant is 10 to 1.

There are no known surface water intakes of record for public water supply downstream of the project discharge.

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 *WQR*.

### **C. DECISION**

Effective on the approval date for Docket No. D-2008-025 CP-4 below, the project described in Docket No. D-2008-025 CP-3 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2008-025 CP-4; Docket No. D-2008-025 CP-3 is terminated and replaced by Docket No. D-2008-025 CP-4; 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](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/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**

<b>OUTFALL 001 (Ridley Creek)</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	30 mg/l	As required by NPDES permit

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

<b>OUTFALL 001 (Ridley Creek)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
CBOD <sub>5</sub> (at 20° C) Effluent	Monitor & Report Percent Removal	Monthly
CBOD <sub>5</sub> (at 20° C) Influent	Monitor & Report	Monthly
Total Dissolved Solids*	1,000 mg/l *	Quarterly

\* 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 (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.
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 CFR 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. 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, 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.
6. The docket holder is permitted to treat and discharge effluent 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.
7. The facility and operational records shall be available at all times for inspection by the DRBC.
8. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
9. 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.
10. 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.
11. The docket holder shall discharge effluent in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

**12.** 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).

**13.** 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.

**14.** 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).

**15.** 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).

**16.** 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).

**17.** 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.

**18.** 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, 2028**