

DOCKET NO. D-1966-096 CP-5

DELAWARE RIVER BASIN COMMISSION

**Brookhaven Borough
Wastewater Treatment Plant
Brookhaven Borough, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on April 30, 2018 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No PA0023949 for this facility was issued by Pennsylvania Department of Environmental Protection (PADEP) on April 14, 2014.

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 Delaware County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 13, 2019.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.192 million gallons per day (mgd) WWTP and its discharge.
- Location.** The docket holder's WWTP is located on Bridgewater Road in the Borough of Brookhaven just east of its border with Chester Township in Delaware County, Pennsylvania. The WWTP will continue to discharge treated effluent to Chester Creek at River Mile 82.9 – 4.3 (Delaware River – Chester Creek).

The WWTP outfall is located in the Chester Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 51' 44"	75° 23' 42"

3. **Area Served.** The docket holder's WWTP will continue to serve the majority of the Brookhaven Borough, Delaware 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. **Design Criteria.** The docket holder's 0.192 mgd WWTP utilizes an Modified Ludzak-Ettinger (MLE) activated sludge treatment process.

5. **Facilities.** The WWTP facilities consist of a grinder, bar screen, equalization tank, anoxic tank, aeration tank, final clarifier, chlorine contact tank, dechlorination tank, and post aeration tank. Sludge handling facilities include an aerobic digester.

The project facilities are located in the flood hazard area (FEMA-designated 100-year flood zone). The docket holder has flood-proofed up to the flood hazard protection elevation (one foot above 100-year flood elevation). The docket holder has accomplished this by raising the tops of the tanks above the flood protection elevation.

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 a surface water intake owned and operated by the Chester Water Authority (CWA). The docket holder's water withdrawal is described in detail in Docket No. D-1984-055 CP-1, which was approved on August 2, 1989.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0023949 was issued by the PADEP on April 14, 2014 and includes final effluent limitations for the project discharge of 0.192 mgd to surface waters classified by the PADEP as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF). EFFLUENT TABLE(S) C-1 & C-2 included in Section C.1. contains 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 0.192 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was added to the Comprehensive Plan by Docket No. D-1966-096 CP-1 on March 27, 1968. An application (D-1966-096 CP-2) for the approval of modifications to the WWTP (replacement and relocation of project outfall) was submitted to the DRBC on June 1, 1998, but the project was never approved by the Commission. The WWTP approval was renewed and/or modified by Docket Nos. D-1966-096 CP-3 and D-1966-096 CP-4 on March 3, 2010 and December 9, 2015, respectively. Issuance of this docket will continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.192 mgd WWTP.

At the docket holder’s WWTP discharge, Chester Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 10.5 mgd (16.3 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.192 mgd WWTP is 55 to 1.

There are no surface water intakes of record for public water supply located downstream of the docket holder’s WWTP.

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 *Water Quality Regulations (WQR)*.

C. DECISION

Effective on the approval date for Docket No. D-1966-096 CP-5 below, the project described in Docket No. D-1966-096 CP-4 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1966-096 CP-5; Docket No. D-1966-096 CP-4 is terminated and replaced by Docket No. D-1966-096 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:

Metering 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 (Chester Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit

OUTFALL 001 (Chester Creek)		
PARAMETER	LIMIT	MONITORING
Total Suspended Solids	30 mg/l	As required by NPDES Permit
CBOD ₅ (at 20° C)	5/01-10/31	As required by NPDES Permit
	11/01-4/30	
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	5.0 mg/l	As required by NPDES Permit
	15.0 mg/l	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Dissolved Solids	Monitor & Report	*

* The NPDES permit requires quarterly monitoring for TDS; however, the docket holder is required by this docket to meet an effluent limit as provided in EFFLUENT TABLE A-2 below.

The following monitoring requirements and average monthly effluent limits are for DRBC parameters not listed in the NPDES Permit.

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

OUTFALL 001 (Chester Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	Quarterly

* See DECISION Condition C.14.

Other Conditions

2. 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.

3. 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).

4. 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).

5. 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 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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).

13. 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*.

14. 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.

15. 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.

16. 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:

EXPIRATION DATE: March 13, 2024