

This DRAFT Docket has been prepared for the purposes of the scheduled public hearing and may be substantially modified as a result of the public hearing process prior to Commission action.

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DOCKET NO. D-1984-053-3

DELAWARE RIVER BASIN COMMISSION

Kimberly-Clark of Pennsylvania, LLC
Non-Contact Cooling Water & Process Water Discharge
City of Chester, Delaware County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 14, 2017 (Application) for renewal of the docket holder's existing discharge of non-contact cooling water (NCCW), and filter backwash and cooling tower blowdown on an emergency basis. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0013081 for the facility discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on July 11, 2018.

The Application was reviewed for 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 discharge of up to 0.1 million gallons per day (mgd) of NCCW. On an emergency basis, the docket holder is permitted to discharge up to 2.0 mgd of process water, consisting of filter backwash and cooling tower blowdown.
- Location.** The docket holder's Chester tissue-manufacturing mill is located on Avenue of the States, adjacent to the Delaware River, in the City of Chester, Delaware County, Pennsylvania. The facility will continue to discharge NCCW from Outfall No. 003 and process water on an emergency basis from Outfall No. 001, to Water Quality Zone 4 of the Delaware River at River Mile 82.8.

The project outfalls are located in the Delaware River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 50' 35"	75° 21' 28"

003	39° 50' 37"	75° 21' 17"
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3. **Area Served.** The docket holder will continue to discharge from the Chester facility, which is located in the City of Chester, 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 Chester facility utilizes Delaware River intake water for process water and cooling water in the manufacture of tissue products. The facility utilizes a reverse osmosis process and a sand filter to treat the Delaware River intake water for use as process water in the manufacturing process. The facility generates industrial wastewater, NCCW, sand filter backwash, reverse osmosis backwash, and cooling tower blowdown during the tissue manufacturing process. Up to 0.1 mgd of NCCW is sent to single pass-through water cooled condensers and then discharged to Outfall No. 003. On an emergency basis, the docket holder is permitted to discharge up to 2.0 mgd of sand filter backwash, reverse osmosis backwash, and cooling tower blowdown from existing Outfall No. 001.

5. **Facilities.** The facility directs untreated industrial wastewater generated by the manufacturing process to the Delaware County Regional Authority (DELCORA) wastewater treatment plant (WWTP) conveyance system for treatment and discharge from the DELCORA WWTP. NCCW used in the manufacturing process is conveyed to single pass-through water cooled condensers and then discharged directly to the Delaware River via Outfall No. 003. During normal operations, sand filter backwash, reverse osmosis backwash, and cooling tower blowdown is directed back to the head of the facility, and mixed with Delaware river intake water for use at the facility. On an emergency basis, the facility has the ability to discharge this sand filter backwash, reverse osmosis backwash, and cooling tower blowdown to the Delaware River via Outfall No. 001; however, the emergency discharge has not been used for several years.

6. **Water withdrawals.** Process water for the facility is withdrawn from the Delaware River at the docket holder's Intake No. 1. The surface water withdrawal is described in detail in Docket No. D-2012-012 CP-1, which was approved on December 5, 2012.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0013081 was issued by the PADEP on July 11, 2018, and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water fishes / migratory fishes (WWF/MF). EFFLUENT TABLES C-1 & C-2 included in the DECISION section of this docket, contain effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.1.). Effluent requirements for Outfall No. 001 (emergency discharge of filter backwash and cooling tower blowdown) and Outfall No. 003 (NCCW) are based on discharge rates of 2.0 mgd and 0.1 mgd, respectively.

8. **Relationship to the Comprehensive Plan.** The facility discharges were unnecessarily incorporated into the DRBC Comprehensive Plan via Docket No D-1984-053 CP-2 on December 5, 2012. This docket removes the project from the Comprehensive Plan.

B. **FINDINGS**

This docket holder submitted an Application to renew approval of the existing discharge of up to 0.1 million gallons per day (mgd) of NCCW, and on an emergency basis, the discharge of up to 2.0 mgd of filter backwash and cooling tower blowdown.

There are no public water supply intakes 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 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-1984-053-3 below, the project described in Docket No. D-1984-053 CP-2 is removed from the Comprehensive Plan; Docket No. D-1984-053 CP-2 is terminated and replaced by Docket No. D-1984-053-3; and the project and the appurtenant facilities described in Section A "DESCRIPTION" 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 for Outfall No. 001

OUTFALL 001 (Emergency Discharge, Filter Backwash / R.O. Water)		
Parameter	Limit	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	Monitor & Report	As required by NPDES Permit
Total Dissolved Solids (TDS)*	Monitor & Report	As required by NPDES Permit
Temperature	110°F (Instantaneous Max)	As required by NPDES Permit

* See Condition C.4. in the DECISION section

EFFLUENT TABLE C-2: DRBC Parameters Included in NPDES Permit for Outfall No. 003

OUTFALL 003 (NCCW)		
Parameter	Limit	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Dissolved Solids (TDS)*	Monitor & Report	As required by NPDES Permit
Temperature	110°F (Instantaneous Max)	As required by NPDES Permit

* See Condition C.4. in the DECISION section

2. The docket holder shall continue to submit Polychlorinated Biphenyl (PCB) monitoring data and PMP Annual Reports to the Commission’s Science & Water Quality Management Branch as required in the existing NPDES Permit.

Other Conditions

3. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F above the average 24-hour temperature gradient displayed during the 1961-1966 period, nor shall such discharge result in stream temperatures exceeding 86°F.

4. 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.

5. 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).

6. 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).

7. 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.

8. 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.

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 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.

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. 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*.

16. 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.

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

DATE APPROVED:

EXPIRATION DATE: October 31, 2022