

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.

1/29/2019 1:30 PM

DOCKET NO. D-2018-004-1

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Brookmont Health Care Center, LLC
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 April 5, 2018 (Application), for approval of the existing Brookmont Health Care Center wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0062260 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on September 20, 2017.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission and Lehigh Valley Planning Commission have been notified of pending action. A public hearing on this project was held by the DRBC on February 13, 2019.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to approve the existing 0.04 million gallons per day (mgd) WWTP and its related discharge.
- 2. Location.** The docket holder's WWTP is located at Brookmont Drive in Chestnuthill Township, Monroe County, Pennsylvania. The WWTP will continue to discharge treated effluent to Pohopoco Creek, upstream of the Beltzville Lake at River Mile 183.7 – 41.4 – 26.5 (Delaware

River – Lehigh River – Pohopoco Creek) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW).

The WWTP outfall discharges in the Lehigh River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 55' 26.6"	75° 25' 39.9"

3. **Area Served.** The existing WWTP will continue to serve the on-site healthcare center located in Monroe 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 Section C. DECISION.

4. **Design Criteria.** The existing 0.04 mgd WWTP utilizes an extended aeration treatment process with chlorine disinfection.

5. **Facilities.** The WWTP facilities consist of an equalization tank, an aeration tank, a clarifier, a chlorine contact tank, and post-aeration unit.

The docket holder's wastewater treatment facility 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 existing wastewater treatment facility is staffed 24 hours per day in accordance with the Commission's SPW requirements.

The docket holder has prepared and implemented an emergency management plan (EMP) for the existing WWTP in accordance with Commission SPW requirements.

Several of the WWTP facilities are in the 100-year flood fringe. Prior to any future construction or modifications to the WWTP, during the design phase, the docket holder must demonstrate that the facilities are either outside of the or proofed to at least 1 foot above the 100-year elevation and satisfy all other requirements of a special permit in accordance with the Commission's Floodplain Regulations (*FPR*) (See condition C.19).

Wasted sludge will continue to be hauled off-site for disposal at a state approved facility.

6. **Water withdrawals.** The potable water supply in the project service area is provided by the Applicant's on-site groundwater wells. The groundwater withdrawal is operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0062260 was issued by the PADEP on September 20, 2017 and includes final effluent limitations for the project

discharge of 0.04 mgd to surface waters classified by the NPDES as supporting high-quality water (HQ) and cold water fishes (CWF). EFFLUENT TABLE C-1 & C-2 included in condition C.1. 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 0.04 mgd.

B. FINDINGS

The purpose of this docket is to approve the existing 0.04 mgd Brookmont Health Care Center WWTP and its related discharge. The existing WWTP currently discharges to waters upstream of the Beltzville Lake.

1. Special Protection Waters (SPW)

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. (Lower SPW)

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 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 expansion of facilities/service area, there are no new or increased non-point source loads associated with this approval, and the discharge is within the drainage area to a large impoundment, the NPSPCP requirement is not applicable at this time (See conditions C.2 and C.3).

2. Other

At the docket holder's WWTP discharge, the Pohopoco Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 1.3 mgd (2.0 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.04 mgd WWTP is approximately 33 to 1.

The nearest surface water intake of record for public water supply is located on Pohopoco Creek approximately 24 River Miles downstream of the docket holder's WWTP and is operated by Palmerton Borough Municipal 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 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-2018-004-1; the project and appurtenant facilities as 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

OUTFALL 001 (Discharging to Pohopoco Creek)		
PARAMETER	LIMIT	MONITORING
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
CBOD ₅ (at 20° C)	25 mg/l	As required by NPDES Permit
Ammonia Nitrogen	SEE EFFLUENT TABLE C-2	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit

OUTFALL 001 (Discharging to Pohopoco Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids	1,000 mg/l	As required by NPDES Permit

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 (Discharging to Pohopoco Creek)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen	20 mg/l	Monthly
CBOD ₅ (at 20° C)	Monitor & Report Influent and Percent Removal	Monthly, paired with CBOD ₅ effluent monitoring sample

Other Conditions

2. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC-approved NPSPCP.
3. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's WQR, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.
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.** 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.
- 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.** 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.** 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.

16. 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*.

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.

19. The project facilities are located in the flood fringe portion of the 100-year floodplain. Prior to any future work being performed at the WWTP, the docket holder will need to include the Commission during the design phase to ensure that all units of the facility are relocated outside the floodplain or flood-proofed in accordance with the Commission's *FPR*.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: March 31, 2024