

**DOCKET NO. D-1968-092 CP-4**

**DELAWARE RIVER BASIN COMMISSION**

**William Henry Gardens, LLC**  
**Frazer Crossing Apartments Wastewater Treatment Plant**  
**East Whiteland Township, Chester County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on February 5, 2018 (Application), for renewal of the docket holder's existing Frazer Crossing Apartments wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050920 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on August 21, 2017.

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 Chester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 15, 2019.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.069 million gallons per day (mgd) Frazer Crossing Apartments WWTP and its discharge.
- 2. Location.** The docket holder's WWTP is located at West King Road in East Whiteland Township, Chester County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Ridley Creek, at River Mile 84.0 – 25.8 – 0.6 (Delaware River – Ridley Creek – UNT Ridley Creek) via Outfall No. 001.

The WWTP outfall discharges in the Ridley Creek Watershed as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	40° 1' 30.38"	75° 33' 33.38"

- 3. Area Served.** The docket holder's WWTP will continue to serve Frazer Crossing Apartments located in Chester 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 0.069 mgd WWTP utilizes an activated sludge treatment process, with chlorine disinfection.

5. **Facilities.** The WWTP facilities consist of a muffin monster grit removal system, an equalization tank, two aeration tanks, two clarifiers, a sand filter, an aerobic sludge digester, a chlorine contact tank and a sludge holding tank.

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 Aqua Pennsylvania, the water withdrawal is described in detail in Docket No. D-1985-029 CP, which was approved on December 18, 1985.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0050920 was issued by the PADEP on August 21, 2017 and includes final effluent limitations for the project discharge of 0.069 mgd to surface waters classified by the PADEP as supporting high quality water (HQ) and trout stocking (TSF). 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 are based on a discharge rate of 0.069 mgd

8. **Relationship to the Comprehensive Plan.** The docket holder's WWTP was included in the Comprehensive Plan by the approval of Docket No. D-1968-092 CP-3, on May 8, 2013. Issuance of this docket will continue the approval of the docket holder's existing 0.069 mgd WWTP.

## B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.069 mgd Frazer Crossing Apartments WWTP and its related discharge.

At the WWTP discharge location, UNT Ridley Creek has an estimated seven-day low flow with a recurrence interval of ten years ( $Q_{7-10}$ ) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on Ridley Creek approximately 15 River Miles downstream of the docket holder's WWTP and is operated by Aqua Pennsylvania.

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-1968-092 CP-4 below, the project described in Docket No. D-1968-092 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1968-092 CP-4; Docket No. D-1968-092 CP-3 is terminated and replaced by Docket No. D-1968-092 CP-4; and the project and the appurtenant facilities described in Section A. DESCRIPTION of this docket is 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 (Discharging to UNT 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	10 mg/l	As required by NPDES Permit
CBOD <sub>5</sub> (at 20° C) (5-1 to 10-31)	10 mg/l	As required by NPDES Permit
(11-1 to 4-30)	15 mg/l	
Ammonia Nitrogen (5-1 to 10-31)	1.8 mg/l	As required by NPDES Permit
(11-1 to 4-30)	5.4 mg/l	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	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**

<b>OUTFALL 001 (Discharging to UNT Ridley Creek)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Total Dissolved Solids*	1,000 mg/l*	Quarterly
CBOD <sub>5</sub> (at 20° C)	Monitor & Report Influent	Monthly, paired with CBOD <sub>5</sub> effluent monitoring sample
CBOD <sub>5</sub> (at 20° C) Percent Removal	85% Minimum Removal	Monthly, paired with CBOD <sub>5</sub> effluent monitoring sample

\*See Condition C.4

**Other Conditions**

2. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

3. 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*.

4. 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.

**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 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.

**7.** 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.

**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, in order 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:           June 12, 2019**

**EXPIRATION DATE:       August 31, 2027**