

DOCKET NO. D-2009-027 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Wallenpaupack Area School District
New Foundland Elementary School Wastewater Treatment Plant
Dreher Township, Wayne County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 12, 2018 (Application), for renewal of the docket holder's existing New Foundland Elementary Wastewater Treatment Plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061654 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 30, 2015.

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 Wayne 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 0.01 million gallons per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder's WWTP is located at Main Street in Dreher Township, Wayne County, Pennsylvania. The WWTP will continue to discharge treated effluent to Wallenpaupack Creek, upstream of Wallenpaupack Lake, at River Mile 277.7 – 15.8 – 1.4 – 12.7 – 7.8 (Delaware River – Lackawaxen River – Wallenpaupack Creek – Lake Wallenpaupack – Wallenpaupack Creek) via Outfall No. 001, within the drainage area to the Upper Delaware Special Protection Waters (SPW).

The WWTP outfall is located in the Lackawaxen River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 18' 37.4"	75° 18' 53.2"

3. **Area Served.** The docket holder’s WWTP will continue to serve New Foundland Elementary School located in Wayne 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 0.01 mgd WWTP utilizes an activated sludge treatment process with chlorine disinfection.

5. **Facilities.** The WWTP facilities consist of a flow equalization tank, an aeration tank and clarifier, a sand filtration unit, a chlorine contact tank with post aeration, and a sludge holding tank.

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 docket holder’s wastewater treatment facility is not staffed 24 hours per day and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission’s SPW requirements. The existing WWTP has a remote alarm system installed that continuously monitors plant operations.

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

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 two nearby wells. The groundwater withdrawals are both operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and are not subject to Commission review and approval.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0061654 was issued by the PADEP on January 30, 2015 and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting high quality water (HQ) and cold water fishes (CWF). EFFLUENT TABLE C-1 included in the DECISION section of this docket, contains effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.1.). Effluent requirements in NPDES Permit No. PA0061654 for Outfall No. 001 are based on a discharge rate of 0.1 mgd; however, the facility is designed to treat 0.01 mgd.

8. Relationship to the Comprehensive Plan. The existing WWTP was added to the Comprehensive Plan by Docket No. D-2009-027 CP-1 on July 14, 2010. The WWTP approval was renewed by Docket No. D-2009-027 CP-2 on March 12, 2014. Issuance of this docket will renew and 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 0.01 mgd New Foundland Elementary School WWTP and its related discharge.

1. Special Protection Waters

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *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 and clarity on definitions and terms were updated for the entire program.

The docket holder's WWTP discharges to the drainage area to the Upper 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 located 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) and there are no new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Conditions C.3 has been included in this docket.

2. Other

At the docket holder's WWTP discharge, the Wallenpaupack Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 1.6 mgd (2.4 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.01 mgd WWTP is 160 to 1.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 130 River Miles downstream of the docket holder's WWTP and is operated by the City of Easton.

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-2009-027 CP-3 below, the project described in Docket No. D-2009-027 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2009-027 CP-3; Docket No. D-2009-027 CP-2 is terminated and replaced by Docket No. D-2009-027 CP-3; 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 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 Wallenpaupack Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Dissolved Oxygen	5.0 mg/l (minimum at all times)	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
CBOD ₅ (at 20° C) (5-1 to 10-31) (11-1 to 4-30)	20 mg/l	As required by NPDES Permit
	25 mg/l	
CBOD ₅ (at 20° C)	85% Minimum Removal	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l	As required by NPDES Permit
	9.0 mg/l	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
	2000 colonies per 100 ml as a geo. avg.	
Total Dissolved Solids*	1000 mg/l	As required by NPDES Permit

* See DECISION Condition C.6

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. 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.

4. 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*.

5. 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.

6. 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.

Other Conditions

7. 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.

8. 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.

9. 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.

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: January 31, 2025