

DOCKET NO. D-1987-026-6

DELAWARE RIVER BASIN COMMISSION

**Trogon Development LLC
Closed Beagle Club Ash Disposal Site Treated Industrial Wastewater Discharge
Cumru Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 25, 2025 (Application) to renew the approval of the docket holder's existing industrial wastewater treatment plant (IWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0010782 for this discharge.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 5, 2026.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of the docket holder's existing discharge of up to 1.3 million gallons per day (mgd) of treated industrial wastewater (coal-ash leachate) and stormwater from the closed Beagle Club Ash Disposal (BCAD) Site. The docket also renews the approval of a total dissolved solids (TDS) determination consisting of an effluent concentration limit of 3,500 mg/l (monthly average) and 7,000 mg/l (daily maximum) for the existing discharge.

2. Location. The BCAD is located on the Schuylkill River southwest of the intersection of Route 422 and Route 176 in Cumru Township, Berks County, Pennsylvania. The docket holder will continue to discharge treated ash landfill leachate and stormwater from the ash landfill to Schuylkill River at River Mile 92.47 – 71.3 (Delaware River – Schuylkill River).

The location of the IWTP outfall in the Schuylkill River Watershed is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
004	40° 18' 23"	75° 54' 22"

3. Area Served. The project will continue to collect and treat only ash landfill leachate and stormwater from the closed BCAD Site located in Cumru Township, Berks County, Pennsylvania. For the purpose of defining the Area Served, the Type of Discharge and the Service Area sections from the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. DECISION of this docket.

4. **Design Criteria.** The BCAD site previously accepted ash from the Titus Generating Station's coal-fired units. The BCAD was formally closed in 2017, but leachate and stormwater discharges will continue during the post closure period. Landfill leachate and stormwater are treated in ponds through a settling treatment process.

5. **Facilities.** The BCAD consists of a closed and capped ash disposal area and two synthetically lined collection ponds. The liners are covered with limestone riprap for protection. Rainfall that falls on the BCAD ash disposal site flows overland and is directed through concrete swales to the Stormwater Pond that has an approximate capacity of 1,930,000 gallons. Leachate from the closed and capped ash landfill is conveyed through buried pipes to a separate 590,000-gallon capacity lined pond (referred to as the Leachate Pond). The Leachate Pond is intermittently batch-discharged through Internal Outfall 104 into the Stormwater Pond. The Stormwater Runoff Pond is intermittently batch-discharged through Outfall 004 to the Schuylkill River as needed, typically while the leachate pond is being discharged into the Stormwater Runoff Pond. The ponds are drained zero (0) to three (3) times per month, but typically once per month. Outfall No. 004 is currently permitted by the PADEP (via NPDES Permit No. PA0010782) for an effluent discharge rate of 1.3 mgd.

The project facilities are not located in the 100-year floodplain.

No sludge is generated because of the current operations.

6. **Water Withdrawal.** There is no water withdrawal associated with this project. The site is unmanned.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0010782 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water fishes (WWF). EFFLUENT TABLE C-1 included in Section C. DECISION condition C.1. of this docket, contains effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 004 are based on a discharge rate of 1.3 mgd.

B. FINDINGS

The docket holder applied to renew the approval of the existing discharge of treated industrial waste (coal-ash leachate) and stormwater from the closed Beagle Club Ash Disposal (BCAD) Site and renew the approval of a total dissolved solids (TDS) determination consisting of an effluent concentration limit of 3,500 mg/l (monthly average) and 7,000 mg/l (daily maximum) for the existing discharge.

1. Total Dissolved Solids (TDS) Effluent Limit Determination

The Commission approved a monthly average TDS variance of 3,500 mg/l for Outfall 004 (the BCAD site) on September 26, 2005 via Docket No. 1987-026-2. TDS is generated from the contact with the limestone rip-rap lining of the Leachate and Runoff Ponds. The docket holder requested the continuance of this TDS determination. Section 3.10.4.D.2. of the Commission's Water Quality Regulations (WQR) Effluent Quality Requirements state that TDS shall not exceed 1,000 mg/l, or a concentration established by the Commission which is compatible with designated water uses and stream quality objectives and recognizes the need for reserve capacity to serve future dischargers.

The Commission's Stream Quality Objective Limits for TDS are that as a result of discharges: 1) the receiving stream's resultant TDS concentration shall not exceed 133% of the background and 2) the receiving stream shall not contain substances in concentrations that preclude the specified water uses to be protected (WQR Section 3.10.3.B.1.). As TDS concentrations in excess of 500 mg/l may preclude use of the stream as a drinking water source, TDS concentrations should not exceed 500 mg/l. The 133% of the background TDS requirement is for the protection of aquatic life. The 500 mg/l TDS requirement is to protect the use of the receiving stream as a drinking water source. The EPA's Safe Drinking Water Act's secondary standard for TDS is 500 mg/l.

According to the PADEP, the estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10} flow) of the Schuylkill River immediately upstream of the Outfall 004 discharge is 212 cfs (137 mgd). During the review of the Docket No. D-1987-026 CP-3, DRBC estimated Schuylkill River in-stream TDS concentration based on available data compiled from two (2) sources: 1) the United States Geological Survey (USGS) National Water Information System (NWIS) and 2) the US EPA's STORET database. Based on the available data, the estimated background TDS concentration in the Schuylkill River upstream of the BCAD discharge is 370 mg/l. 133% of 370 mg/l is 492 mg/l; therefore, the DRBC in-stream requirement of 133% of background remains the more stringent of the Commission's in-stream requirement and 500 mg/l.

Docket No. D-1987-026 CP-3 evaluated TDS concentrations in the Schuylkill River because of the BCAD discharge using a flow rate of 1.007 mgd; however, the effluent limits for Outfall No. 004 contained within NPDES Permit No. No. PA0010782, issued on February 23, 2016, were determined using a discharge rate of 1.3 mgd. Based on the estimated background TDS concentration in the Schuylkill River of 370 mg/l, the Q_{7-10} flow of the Schuylkill River of 137 mgd, the BCAD discharge of 1.3 mgd with an effluent TDS concentration of 3,500 mg/l, the TDS in the Schuylkill River would be raised to 399 mg/l during Q_{7-10} flows. If there was a

discharge from the BCAD under these conditions, the BCAD flow would raise background TDS to 108%.

Although the discharge exceeds DRBC's basin-wide TDS effluent limit of 1,000 mg/l, DRBC staff determined the discharge to be compatible with the Commission's designated water uses and water quality objectives in conformance with DRBC Water Quality Regulations since the in-stream concentrations in the Schuylkill River are not expected to exceed the US EPA's Safe Drinking Water Act's secondary standard for TDS is 500 mg/l nor exceed the Commission's criteria of 133% of background as a result of the facility discharge. Therefore, the 3,500 mg/l monthly average effluent limit for Outfall 004 approved in Docket No. D-1987-026 CP-3 is continued in this docket.

2. Other

At the project site, the Schuylkill River has a seven-day low flow with a recurrence interval of ten years of 137 mgd (212 cfs). The ratio of this low flow to the NPDES-permitted wastewater discharge from the outfall (1.3 mgd) is approximately 100 to 1.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 15 River Miles downstream of the docket holder's discharge and is operated by the Pottstown Water Authority.

The project as approved herein does not impair or conflict with the Comprehensive Plan.

The effluent limits in the NPDES Permit meet or exceed Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets 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-1987-026-6 below, Docket No. D-1987-026-5 is terminated and replaced by Docket No. D-1987-026-6. 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.gov on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. 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 004 (Ash landfill leachate and stormwater runoff from ash landfill)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l monthly average 100 mg/l daily maximum	As required by NPDES Permit
Total Dissolved Solids*	3,500 mg/l monthly average 7,000 mg/l daily maximum	As required by NPDES Permit

* See DECISION Condition C.3.

Other Conditions

2. 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*.

3. The docket holder may request permission from the Executive Director to perform specific conductance monitoring in lieu of TDS monitoring. The request shall be made in writing and shall include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow specific conductance monitoring in lieu of TDS monitoring.

4. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.

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 C.F.R. 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 DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If the docket holder has not applied to renew the docket or the DRBC is unable to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable pending the renewal of the docket.
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 the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section. Any expansion beyond that included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the Compact.
7. In accordance with the Commission's regulations at 18 C.F.R. Part 440, the docket holder is prohibited from discharging wastewater from high volume hydraulic fracturing ("HVHF") or HVHF-related activities to waters or land within the Basin. Violation of this or any condition of this docket approval may result in enforcement, including the risk of financial penalties, pursuant to Section 14.17 of the Delaware River Basin Compact and Section 2.7.8 (18 CFR 401.98) of the Commission's Rules of Practice and Procedure.
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, 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 C.F.R. 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 C.F.R. 401.43).
17. The docket holder shall request a name change 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 C.F.R. 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 (RPP)*. 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: September 2, 2026

EXPIRATION DATE: June 30, 2031