

DOCKET NO. D-1985-052 CP-2

DELAWARE RIVER BASIN COMMISSION

Domestic Wastewater Treatment Plant Expansion in Special Protection Waters

**Town of Liberty
Swan Lake Domestic Wastewater Treatment Plant
Town of Liberty, Sullivan County, New York**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on May 9, 2025 with updated and revised project information submitted on June 2, 2025 and July 5, 2025 (Application) providing the necessary information to include the docket holder's proposed domestic wastewater treatment plant (DWTP) expansion in the Commission's Comprehensive Plan.

The application to the DRBC was reviewed for inclusion of the expansion project in the Comprehensive Plan. Review of the project under Section 3.8 of the *Delaware River Basin Compact* will be completed in accordance with the 2016 Administrative Agreement with the New York State Department of Environmental Conservation. Sullivan County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on August 6, 2025.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to include the docket holder's proposed expansion of the Swan Lake DWTP from 0.425 million gallons per day (mgd) to 0.960 mgd in the DRBC's Comprehensive Plan in accordance with Article 11 of the DRBC Compact.

2. Location. The docket holder's DWTP is located on County Road 14 in the Town of Liberty, Sullivan County, New York. The DWTP will continue to discharge treated effluent to West Branch Mongaup River at River Mile 261.1 – 19.7 – 6.7 (Delaware River – Mongaup River – West Branch Mongaup River) and is located in the drainage area to the Upper Delaware Special Protection Waters (SPW).

The location of the DWTP outfall in the Mongaup River Watershed is as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|--------------------|---------------------|----------------------|
| 001 | 41° 44' 57" | 74° 47' 03" |

3. **Area Served.** The docket holder's DWTP will continue to serve the Swan Lake – Briscoe Road Sewer District in the Town of Liberty, Sullivan County, New York. 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 docket holder's 0.425 mgd DWTP was originally constructed in 1985 and utilizes extended aeration, activated sludge, biological treatment with seasonal UV disinfection treatment process. The upgraded and expanded DWTP will utilize a membrane bioreactor (MBR) treatment process.

5. **Facilities.** The principal elements of the upgrade project include a new headworks building for screenings and grit collection/removal with septage offloading, new influent pump station, new force main, converting existing oxidation ditch facilities to accommodate advanced membrane bioreactor waste treatment, and new advanced waste treatment building.

Two 30,000-gallon anoxic swing tanks will be installed with return activated sludge (RAS) pumps for better nitrogen removal. An activated sludge process will take place in the two 75,000-gallon pre-aeration basins using variable frequency drive-controlled blowers and a fine bubble diffused air system for biodegradation. The existing 30,000-gallon secondary clarifiers will be repurposed for use as additional waste sludge storage facilities before conveyance to the upgraded 60,000-gallon sludge holding tank for mixing. Sludge will be fed into the new screw press system for more efficient dewatering before being hauled off-site. The project also includes liquid sludge offloading, new UV disinfection equipment, new generator backup for AWT plant equipment and processes, upgraded SCADA systems, modifications to existing buildings and structures and new underground piping electrical service upgrades.

Backup generator power will be extended to the new facilities, and electrical systems will receive necessary upgrades to accommodate the expansion. An additional non-potable water system is planned to be utilized as a main water source.

The docket holder's DWTP discharges to waters classified as SPW and is required to have available standby power. The existing DWTP has a generator installed capable of providing standby power. An additional generator for backup power at the advanced waste treatment building is proposed as part of the improvement project.

The docket holder's DWTP is not staffed 24 hours per day and shall have a remote alarm system that continuously monitors plant operations in accordance with Commission SPW requirements included in the NYSDEC SPDES permit.

The docket holder shall prepare and implement an emergency management plan (EMP) for the expanding DWTP in accordance with Commission SPW requirements included in the NYSDEC SPDES permit.

Portions of the facility are within the 100-year flood plain, however, the top of the wall of the existing headworks building and stormwater retention basin are 0.5 feet above the 100-year flood plain elevation. However, the elevation of the existing grade at the front edge of the New Headworks Building is approximately 1,300 ft el. and the finished floor of the New Headworks Building is anticipated to be 1,300.5 ft el. and is located outside of the 100-year flood plain.

Dewatered sludge is periodically removed by manual means from the beds and stored in a nearby three-sided structure. Stored solids are periodically hauled off-site for disposal.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by groundwater wells in a municipal distribution system known as the Stevensville Water District, owned and operated by the Town of Liberty.

The Stevensville Water District's water withdrawal is described in detail in Docket No. D-1967-121 CP-2, which was approved on March 16, 2016.

7. **Relationship to the Comprehensive Plan.** The existing DWTP was included in the Comprehensive Plan by Docket No. D-85-52 CP on October 28, 1986. Issuance of this docket will continue the upgraded DWTP and its discharge in the Comprehensive Plan.

8. **Estimated Construction Cost.** The total construction cost is estimated at approximately \$40,000,000. The construction of the system is expected to be undertaken with four Contracts with start dates ranging from 2025 to 2027.

B. FINDINGS

The purpose of this docket is to include the docket holder's proposed expansion of the Swan Lake DWTP from 0.425 million gallons per day (mgd) to 0.960 mgd in the DRBC's Comprehensive Plan in accordance with Article 11 of the DRBC Compact.

According to the *Swan Lake Wastewater Treatment Plant Upgrade Preliminary Engineering Report* (Delaware Engineering, D. P. C., November 23, 2021, amended March 10, 2025), the existing Swan Lake DWTP has been in operation for nearly 35 years, with much of the equipment needing to be replaced soon. The existing DWTP's hydraulic capacity is not supportive of the expected population growth of the existing service area. Due to the substantive necessary equipment replacements and insufficient available hydraulic capacity, the proposed expansion and upgrades are necessary to maintain compliance with effluent limitations and support the expected increase in service area population.

1. Special Protection Waters

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing 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 DWTP discharges to the drainage area to the Upper Delaware SPW. In accordance with Section 3.10.3A.2.f.1) of the Commission's *WQR*, following consultation between the NYSDEC and Commission staff, The Commission has determined that the requirements under Section 3.10.3A.2.d.8) , for evaluation of natural wastewater treatment system alternatives and demonstrations of No Measurable Change (NMC) to Existing Water Quality (EWQ) described within the Commission's *WQR* are not applicable to the proposed project since the WWTP will continue to discharge to waters that drain to a water storage impoundment (Mongaup) where time of travel and relevant hydraulic and limnological factors such as available assimilative capacity preclude a direct impact on SPW.

In accordance with Section 3.10.3A.2.e.1)c. of the Commission's *WQR*, the requirements under Section 3.10.3A.2.e.1) of the *WQR* for a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the project's service area which is also located within the drainage area of Special Protection Waters is not applicable to the proposed project since the WWTP will continue to discharge to waters that drain to a water storage impoundment (Mongaup) where time of travel and relevant hydraulic and limnological factors preclude a direct impact on SPW.

However, silt fencing will be installed to prevent soils and sediments from running off site prior to site work. Limits of disturbance will be clearly marked in wetland areas before starting construction. Standard erosion and sedimentation controls will be utilized throughout the project. Standard construction site management of materials will be employed. Silt fencing will be properly installed on the downslope for any ground disturbance. Topsoil and excavated materials from the building site that may be suitable for reuse will be removed and stockpiled and launched within the silt fenced area. The remaining excavated materials will be hauled off site the regulatory compliant location.

2. Alternatives. A comprehensive analysis of alternatives for the biological treatment process was conducted and included the following alternatives:

- No Action
- Green Infrastructure
- Upgrade of Existing Facility while maintaining the existing plant processes
- Construct a new treatment process (six (6) alternatives were evaluated)

- Regional Consolidation

Based on the alternative analysis, the “no action”, upgrading the existing facility, regional consolidation and green infrastructure alternatives are unable to resolve the issues with the current DWTP. Six (6) alternatives were investigated under the “construct a new treatment process” alternative including:

- construct a new treatment plant at the existing location
- construct a new treatment plant at a new location
- upgrading the existing oxidation ditches and adding new preliminary and sludge treatment technologies
- converting the existing oxidation ditches to a Bio-Loop Treatment Process and adding new preliminary, secondary, and sludge treatment technologies
- converting the existing oxidation ditches to MBR Treatment Process with Pre-Air and anoxic basins, and adding new preliminary and sludge treatment technologies
- converting the oxidation ditches to MBR Treatment Process with Pre-Air, anoxic, and MRB basins, and adding new preliminary and sludge treatment technologies

Construction of a new treatment plant on the existing site was determined to be infeasible due to the presence of surface water features including special flood hazard areas and steep slopes. Construction of a new treatment plant at a new location was also found to be infeasible as there is no nearby property available that would be suitable for a new facility. Additionally, construction at another location within the district would require reconfiguration of the collection system.

Based on the alternative analysis of the remaining four technically feasible buildout alternatives, converting the oxidation ditches at the existing DWTP to MBR Treatment Process with Pre-Air, anoxic, and MRB basins, with the addition of new preliminary and sludge treatment processes was selected. This alternative comprehensively addresses the defined problems including resolving plant deficiencies and compliance issues, upgrading/replacing aged facilities to meet anticipated discharge limits at the planned/expanded plant capacity while having the lowest O&M and total project costs. Additionally, an alternative analysis was completed for the Sludge Dewatering Process, comparing belt filter press and screw press technologies. Based on the analysis, the screw press was selected as the recommended improvement.

3. DRB Compact Section 3.8 Review and One Permit Process.

This docket approves the inclusion of the proposed project in the DRBC’s Comprehensive Plan. Review under Section 3.8 of the DRB Compact is still required for this project; however, that Section 3.8 Review will be completed in accordance with the 2016 Administrative Agreement with The New York State Department of Environmental Conservation (NYSDEC). Under which, DRBC requirements will be included in the NYSDEC SPDES Discharge Permit or other permits as appropriate for any program covered under the agreement. The DRBC has recommended to NYSDEC DRBC requirements to be included in the NYSDEC SPDES Permit for compliance with Commission effluent quality requirements and to produce a discharge meeting the effluent requirements as set forth in the Commission’s Water Quality Regulations (WQR).

4. Other.

The project is not expected to conflict with the Comprehensive Plan and shall be 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.

C. DECISION

Effective on the approval date for Docket No. D-1985-052 CP-2 below, the project described in Docket No. D-1985-052 CP-1 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1985-052 CP-2; Docket No. D-1985-052 CP-1 is terminated and replaced by Docket No. D-1985-052 CP-2; and the project and the appurtenant facilities described in Section A “DESCRIPTION” of this docket shall be included 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:

1. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.
2. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

Other Conditions

3. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.
4. In accordance with 18 C.F.R. 401.8. of the Commission’s *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.
5. 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.

6. 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. The docket holder is further prohibited from discharging hydraulic fracturing wastewater, whether treated or untreated, from sources within or outside the Basin, without obtaining the Commission's prior review and express approval in the form of a revised docket. 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.
7. The facility and operational records shall be available at all times for inspection by the DRBC.
8. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
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, 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 C.F.R. 401.43).
15. 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).
16. 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 C.F.R. 401.43).

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 (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: