

DOCKET NO. D-1989-004-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Aqua Pennsylvania Wastewater Inc.
Pinecrest Wastewater Treatment Plant
Tobyhanna 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 March 19, 2025 (Application), for approval of a new wastewater treatment plant (WWTP) to replace an existing WWTP and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061719 for this discharge. The PADEP issued Water Quality Management Permit (WQM) No. 4501408 A-2 for the proposed replacement of the WWTP.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission 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 approve a new 0.15 million gallons per day (mgd) WWTP to replace the docket holder's existing 0.10 mgd WWTP and its discharge. The proposed new WWTP will replace the entire existing treatment process to improve the plant's efficiency as many components are reaching their lifespan and in need of replacement. The replacement will consist of a new headworks building, new distribution box, improvements to the secondary treatment process, new operations building, new post aeration tank blowers, and replacement of existing outfall and the associated effluent piping.
- 2. Location.** The docket holder's WWTP is located at Tamaqua Lake Road in Tobyhanna Township, Monroe County, Pennsylvania. The WWTP will continue to discharge treated effluent to Beaver Creek, at River Mile 183.66 – 83.5 – 12.5 – 1.15 – 2.4 (Delaware River – Lehigh River – Pocono Lake – Upper Tunkhannock Creek – Beaver Creek) and is located in the drainage area to the Lower Delaware Special Protection Waters (SPW).

The location of the WWTP outfall is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 5' 55"	75° 26' 58"

3. **Area Served.** The docket holder's WWTP will continue to serve the Pinecrest Development and Pocono Mountain School District West Campus, in Tobyhanna Township located in Monroe 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 docket holder's existing 0.10 mgd WWTP utilizes a sequencing batch reactor (SBR) treatment process and ultraviolet (UV) disinfection.

The proposed new WWTP construction is planned to occur in two phases – Phase 1 and Phase 2. However, Phase 2 is not planned to be constructed in the near future. If the need arises, and flow increases, the WWTP will eventually expand to an annual average flow of 0.50 mgd pending a WQM permit approval from PADEP. Where applicable, the anticipated Phase 2 needs will be accounted with the Phase 1 project. Phase 1 upgrades will include a completely new treatment plant constructed adjacent to the existing plant, with demolition of the existing Control Building, SBR process tanks, and equipment.

5. **Facilities.** The existing WWTP facilities consist of influent flow that enters and flows through a comminutor, which is mounted atop an aerated equalization tank. The wastewater flows to two (2) submersible pumps, which pump wastewater to one of two SBR tanks. The SBR's are operated as a batch-fill and draw activated sludge system with aeration, biological treatment, and clarification all in the same tank. Treated secondary SBR process water is decanted by a floating decant pump system into a decant equalization tank and then for tertiary filtration, and UV disinfection.

The proposed facilities will include a new headworks building, a new distribution box, and secondary treatment process, consisting of two (2) Intermittent Cycle Extended Aeration System (ICEAS) SBR trains for the secondary biological treatment process in outdoor concrete tanks, a new operations building, a new post aeration tank, and a Dual bank UV disinfection unit.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The existing and proposed WWTP has a generator installed capable of providing standby power.

The docket holder's existing WWTP is staffed 24 hours per day and does have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The proposed WWTP will not be staffed 24 hours per day and will have 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 and proposed 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 for disposal in accordance with the NPDES Permit No. PA0061719.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by a small privately owned well. The 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. PA0061719 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting high quality cold water fishes and migratory fishes (HQ-CWF, MF). EFFLUENT TABLES C-1 through C-4 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. 001 for the existing 0.10 mgd WWTP are based on a discharge rate of 0.10 mgd. Effluent requirements for the new 0.15 mgd WWTP are based on a discharge rate of 0.35 mgd. Effluent requirements for the future 0.50 mgd WWTP are based on a discharge rate of 0.50 mgd.

B. **FINDINGS**

The purpose of this docket is to approve a new 0.15 million gallons per day (mgd) WWTP to replace the docket holder's existing 0.10 mgd WWTP and its discharge. The proposed new WWTP will replace the entire existing treatment process to achieve Aqua's goal to improve the plant's efficiency as many components are reaching their lifespan and in need of replacement. The replacement will consist of a new headworks building, new distribution box, improvements to the secondary treatment process, new operations building, new post aeration tank blowers, and replacement of existing outfall and the associated effluent piping.

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 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 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 entail additional construction and/or expansion of facilities and service area and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time. The docket holder submitted an Erosion and Sediment Control Plan (ESCP) and a Post Construction Management Plan (PCSMP) with the application that satisfy the Commissions NPSPCP requirements.

As noted above in A.3. the docket holder's area served is located entirely within Tobyhanna Township. This municipality has enacted and is actively implementing non-point source/stormwater control ordinance adopting the Township of Tobyhanna Chapter 124 Stormwater Management Plan. Compliance with the Township of Tobyhanna Chapter 124 Stormwater Management Plan, adopted February 20, 2024, generally meets the requirements of Article 3.10.3A.2.e.1 of the Commission's Water Quality Regulations for the Area Served as described in A.3. above within Tobyhanna Township. Prior to allowing connections from any new service areas or any new developments not in compliance with this Ordinance the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e. (Section C. DECISION condition C.6.)

In accordance with Section 3.10.3A.2.f.1) of the Commission's *WQR*, following consultation between the PADEP 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* is not applicable to the proposed project since the WWTP will continue to discharge to waters that drain to a water storage impoundment (F.E. Walter) where time of travel and relevant hydraulic and limnological factors such as available assimilative capacity preclude a direct impact on SPW.

2. Other

At the docket holder's WWTP discharge, the Beaver Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 2.99 mgd (4.63 cfs). The ratio of this low flow to the hydraulic design wastewater discharge rate from the 0.10 mgd WWTP is 29.9 to 1 (2.99 mgd /0.10 mgd).

The nearest surface water intake of record for public water supply is located on the Lehigh River approximately 62.9 River Miles downstream of the docket holder's WWTP and is operated by Hazelton City 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 conform with 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-1989-004-2 below, the project described in Docket No. D-1989-004-1 is removed to the extent that it is not included in Docket No. D-1989-004-2. D-1989-004-1 is terminated and replaced by Docket No. D-1989-004-2; and the project and the appurtenant facilities 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.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 001 (Beaver Creek) 0.10 mgd until upgrade to 0.15 mgd is complete		
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
Dissolved Oxygen	7 mg/l (minimum at all times)	As required by NPDES Permit

OUTFALL 001 (Beaver Creek) 0.10 mgd until upgrade to 0.15 mgd is complete		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C)	10 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3 mg/l 9 mg/l	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
Phosphorus	1 mg/l	As required by NPDES Permit
Nitrate-Nitrite as N	14 mg/l	As required by NPDES Permit
Total Kjeldahl Nitrogen	Monitor & Report	As required by NPDES Permit

The following monitoring requirements and average monthly effluent limits are for the new 0.15 mgd WWTP.

EFFLUENT TABLE C-2: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Beaver Creek) 0.15 mgd upgrade to expiration of docket		
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
Dissolved Oxygen	7 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C)	10 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.2 mg/l 6.6 mg/l	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
Phosphorus	1 mg/l	As required by NPDES Permit
Nitrate-Nitrite as N	14 mg/l	As required by NPDES Permit
Total Kjeldahl Nitrogen	Monitor & Report	As required by NPDES Permit

The following monitoring requirements and average monthly effluent limits are for the proposed increase to 0.50 mgd.

EFFLUENT TABLE C-3: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Beaver Creek) after proposed increase to 0.5 MGD		
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
Dissolved Oxygen	7 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C)	10 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	1.9 mg/l 5.7 mg/l	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
Phosphorus	1 mg/l	As required by NPDES Permit
Nitrate-Nitrite as N	14 mg/l	As required by NPDES Permit
Total Kjeldahl Nitrogen	Monitor & Report	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-4: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Beaver Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l *	One Per Quarter *
CBOD ₅ (at 20° C)	Monitor & Report Percent Removal	Monthly
CBOD ₅ (at 20° C) Influent	Monitor & Report	Monthly

* See DECISION Condition C.10.

2. 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.

3. 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

4. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

5. 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.

6. 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 complies with a DRBC-approved NPSPCP.

7. 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*.

8. 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.

9. 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.

10. 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 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 pending the grant or denial of the application for docket approval.

11. 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.

12. 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.

13. The facility and operational records shall be available at all times for inspection by the DRBC.

14. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

15. 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.

16. 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.

17. 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.

18. 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).

19. 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.
20. 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).
21. 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).
22. 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).
23. 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.
24. Prior to allowing connections from any new service areas or any new developments not in compliance with the Ordinances described in Section B.1. above, the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e.
25. 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 10, 2025****EXPIRATION DATE: October 31, 2031**