

DOCKET NO. D-2007-034 CP-5

DELAWARE RIVER BASIN COMMISSION

**Ruscombmanor Township
Golden Oaks Wastewater Treatment Plant
Ruscombmanor 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 September 29, 2023 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0085782 for this discharge.

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 Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 06, 2024.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.05 million gallons per day (mgd) WWTP and its discharge.
2. **Location.** The docket holder's WWTP is located at Erhardt Road off of Memorial Highway in Ruscombmanor Township, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Furnace Creek, at River Mile 92.5 – 54.2 – 16.8 – 1.0 – 3.6 – 2.2 (Delaware River – Schuylkill River – Manatawny Creek – Little Manatawny Creek, Furnace Creek – UNT Furnace Creek).

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

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 25' 20"	75° 49' 27"

3. **Area Served.** The docket holder's WWTP will continue to serve Ruscombmanor Township located in 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 docket holder's 0.05 mgd WWTP utilizes an extended aeration treatment process with post-aeration and chlorine contact disinfection. The WWTP is designed for an annual average flow of 0.05 mgd, and a hydraulic design capacity of 0.105 mgd.

5. **Facilities.** The WWTP facilities consist of two (2) equalization tanks, six (6) aeration tanks, two (2) clarifiers, a chlorine contact tank, a post aeration tank, and two (2) sludge holding tanks.

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. PA0085782.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by individual on-site groundwater wells. The groundwater withdrawals are 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. PA0085782 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting cold water fishes (CWF). EFFLUENT TABLES C-1 & C-2 included in Section C. DECISION condition C.1. of this docket, contain effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.05 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was included in the Comprehensive Plan by Docket No. D-2007-034 CP-1 on March 11, 2009. The WWTP approval was continued by Docket Nos. D-2007-034 CP-2, D-2007-034 CP-3 and D-2007-034 CP-4, approved on October 22, 2009, June 11, 2014, and December 11, 2019, respectively. Issuance of this docket will continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder applied to renew approval of their existing 0.05 mgd WWTP and its discharge.

1. Total Dissolved Solids (TDS)

Section 3.10.4.D.2 of the Commission's Water Quality Regulations (WQR) states the following:

"Total dissolved solids shall not exceed 1000 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."

On March 11, 2009, the DRBC approved Docket No. D-2007-034 CP-3 which contained an average monthly TDS effluent limit of 1,000 mg/l and required quarterly TDS monitoring. On August 3, 2012, the docket holder submitted a letter indicating that the TDS effluent limit of 1,000 mg/l was exceeded on May 9, 2012. Subsequent quarterly testing resulted in additional exceedances of the 1,000 mg/l limit on 10/3/2013 and 3/18/2014. Docket No. D-2007-034 CP-3 was approved on June 11, 2014 and contained the 1,000 mg/l limit and increased the TDS monitoring from quarterly to monthly, stating that if the WWTP continued to exceed the 1,000 mg/l limit, a track down study may be required by the DRBC.

The docket holder performed the track down study to determine the source of the elevated TDS at the WWTP. In a letter dated June 16, 2014, the results of a total of 70 TDS samples at 4 pump stations in the WWTP sewer service area were submitted. The sampling showed that average TDS in the sewer system exceeded 1,000 mg/l at 2 of the pump stations sampled, which indicates elevated TDS influent at the WWTP. The docket holder also sampled the Township public water supply and individual residential groundwater wells at 31 locations in the WWTP service area and submitted the data on January 12, 2015. The results indicated that none of the public water supply samples exceeded 1,000 mg/l, though several of the samples were elevated in TDS (greater than 500 mg/l). Individual residence water softener system backflow discharges may contribute to these elevated TDS values.

Monthly TDS monitoring from June 2014 to 2018 indicated 1 additional exceedance of the 1,000 mg/l limit in 2014, 2 exceedances in 2015, no exceedances in 2016, 1 exceedance in 2017, and 3 exceedances in 2018. The highest TDS effluent value was 1,320 mg/l in 2016, with most of the exceedances between 1,000 mg/l and 1,200 mg/l.

Although the exact source of the elevated TDS cannot be determined, the cause of the elevated WWTP effluent TDS appears to be elevated TDS in the influent. This docket requires the docket holder to monitor WWTP influent and effluent TDS monthly (See DECISION Condition C.1.). The docket holder may request a reduction in the effluent monitoring from monthly to quarterly and elimination of the TDS influent testing upon the completion of 12 consecutive months of monthly monitoring without an effluent exceedance of 1,000 mg/l (See DECISION Condition C.3.).

2. Other

At the WWTP discharge location, the UNT to Furnace 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 the Schuylkill River approximately 33 River Miles downstream of the docket holder's WWTP and is operated by Pennsylvania American Water Company.

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-2007-034 CP-5 below, the project described in Docket No. D-2007-034 CP-4 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-034 CP-5; Docket No. D-2007-034 CP-4 is terminated and replaced by Docket No. D-2007-034 CP-5; 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:

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 (UNT Furnace Creek)		
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
CBOD ₅ (at 20° C)	25 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.4 mg/l 7.2 mg/l	As required by NPDES Permit

OUTFALL 001 (UNT Furnace Creek)		
PARAMETER	LIMIT	MONITORING
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
BOD ₅ (at 20° C) Influent	Monitor & Report	As required by NPDES Permit
Total Dissolve Solids*	1,000 mg/l*	As required by NPDES Permit

* The NPDES permit contains an average monthly TDS effluent limit of 1,000 mg/l. This docket requires monthly influent and effluent monitoring only. See EFFLUENT TABLE C-2 below.

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

OUTFALL 001 (UNT Furnace Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids Influent*	1,000 mg/l *	Monthly

* 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 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.

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. 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.

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 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).
- 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: December 5, 2024

EXPIRATION DATE: March 31, 2029