

DOCKET NO. D-1991-027 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Mount Pocono Municipal Authority
Wastewater Treatment Plant
Mount Pocono Borough, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on July 8, 2021 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0044997 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP).

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 Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 11, 2022.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.50 million gallons per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder's WWTP is located at Pennsylvania State Route 611 in Mount Pocono Borough, Monroe County, Pennsylvania. The WWTP will continue to discharge up to 0.4 mgd treated effluent to Forest Hills Run between November 16 and March 14 and discharge up to 0.5 mgd treated effluent and land discharge via spray irrigation between March 15 and November 15 when conditions are suitable for land discharge. At times of unsuitable conditions between March 15 and November 15, the WWTP will discharge treated effluent to Forest Hills Run at River Mile 213.0 – 10.6 – 4.4 – 4.9 (Delaware River – Broadhead Creek – Paradise Creek – Forest Hills Run) and is located in the drainage area to the Middle Delaware Special Protection Waters (SPW).

The WWTP outfall and spray areas are located in the Broadhead Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001 (Discharge to Forest Hills Run)	41° 6' 22"	75° 21' 6"
Spray Area E1	41° 06' 41"	75° 21' 17"
Spray Area F1	41° 06' 47"	75° 21' 34"
Spray Area H1	41° 06' 50"	75° 21' 27"
Spray Area J1	41° 06' 29"	75° 21' 04"
Spray Area J2	41° 06' 32"	75° 21' 10"

3. **Area Served.** The docket holder’s WWTP will continue to serve Mount Pocono Borough, residential and commercial portions of Coolbaugh Township located in Monroe County, Pennsylvania. For the purpose of defining the Area Served, the Type of Discharge and Service Area sections of 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 0.4 mgd WWTP utilizes a sequencing batch reactor treatment process with ultraviolet (UV) disinfection.

The docket holder’s existing WWTP is permitted to discharge up to 0.40 mgd of treated effluent to Forest Hills Run. PADEP has placed Forest Hills Run on Pennsylvania’s impaired list. Upon concurrence with the PADEP, if stream sampling performed indicates that Forest Hills Run has recovered, the WWTP is permitted to discharge up to 0.50 mgd of treated effluent to Forest Hills Run.

5. **Facilities.** The WWTP facilities consist of a rotating fine bar screen and grit removal system, a chemical feed system, an influent equalization tank, 2 SBR tanks (capacity rated at 0.5 mgd), 2 decant equalization tanks, 2 sand filters, a UV disinfection system, a transfer pump station, with a utility water tank is utilized for post-aeration and to convey flow to 2 separate tanks that store effluent before it is sprayed to land. An additional spray irrigation pump station is utilized before it is discharged to land. Prior to the facility’s stream discharge, within the transfer pump station flow is conveyed to a cooling system building and chiller sump. Sludge is pumped to an on-site aerobic digester before it is hauled off-site.

Spray areas and updated land areas are described by the following table:

SPRAY AREA	ACREAGE	FLOW CAPACITY
E1	17.00 acres	0.137 mgd
F1	33.25 acres	0.244 mgd
H1	18.49 acres	0.121 mgd
J1	8.96 acres	0.068 mgd
J2	2.25 acres	0.019 mgd
Total	79.95 acres	0.589 mgd

The docket holder's WWTP 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 WWTP 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 for disposal.

6. Water Withdrawals. The potable water supply in the project service area is provided by the Pennsylvania American Water Company groundwater withdrawal, which is described in detail in Docket No. D-1998-016 CP-4, which was approved on March 10, 2022.

7. NPDES Permit / DRBC Effluent Requirements. NPDES Permit No. PA0044997 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting high quality water and cold-water fishes (HQ-CWF); however, it is currently assessed as an impaired stream. The most recent issued NPDES reflects effluent requirements for the stream's current impaired status and upon an approved submission of a biological assessment of the stream. EFFLUENT TABLES C-1, C-2 & C-3 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 both discharge rates of 0.4 mgd and 0.5 mgd (permitted flow upon approved stream assessment).

8. Relationship to the Comprehensive Plan. The existing WWTP was added to the Comprehensive Plan by Docket No. D-1970-050 CP, on May 17, 1971. The WWTP approval was renewed and/or modified by Docket Nos. D-1991-027 CP and D-1991-027 CP-2, on May 12, 1991, and September 16, 2015, respectively. Issuance of this docket will renew and continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder submitted an application to renew approval of their existing 0.5 mgd WWTP and its discharge. The docket holder is permitted to discharge up to 0.50 mgd with the utilization of its on-site spray irrigation system. The WWTP will continue to discharge up to 0.4 mgd treated effluent to Forest Hills Run between November 16 and March 14 and discharge up to 0.5 mgd treated effluent and land discharge, via spray irrigation, between March 15 and November 15, when conditions are suitable for land discharge. At times of unsuitable conditions between March 15 and November 15, the WWTP will discharge up to 0.4 mgd treated effluent to Forest Hills Run until the docket holder has established stream sampling that exhibits recovery of Forest Hills Run.

Forest Hills Run, the receiving stream for the WWTP effluent, is on PADEP's Impaired Streams List. In 2010, two (2) citizen groups, the Brodhead Watershed Association and Citizens for Pennsylvania's Future, filed a lawsuit against the docket holder for exceeding effluent limitations in the NPDES permit. In order to settle the lawsuit, the docket holder agreed to the following requirements, which were included in a Pennsylvania Consent Decree signed by the citizens groups and the docket holder on February 28, 2012.

- 1) Establish a stream sampling program in Forest Hills Run, purchase land for stream irrigation, revise the docket holder's Act 537 Plan, design and install a spray irrigation system in three (3) phases to spray discharge treated effluent under suitable conditions and stream discharge treated effluent to Forest Hills Run under unsuitable conditions, and design and install a cooling system (fourth phase).
- 2) The stream discharge to Forest Hills Run is limited to an average monthly flow of 0.40 mgd unless the stream recovers per the protocols of the Consent Decree.
- 3) If the stream recovers per the protocols of the Consent Decree, the WWTP is permitted to discharge an average annual flow up to 0.50 mgd during non-spray days.
- 4) The discharge to Forest Hills Run is limited to an average annual flow of 0.50 mgd.

The Consent Decree indicates the following as non-spray days:

- Unusual heavy precipitation conditions between March 15 and November 15
- Unusual winter-like conditions between March 15 and November 15
- A land application system failure; or
- The docket holder has land applied treated wastewater from the facility to the property to the greatest extent that the Authority's Water Quality Management Part II Permit and site conditions allow.

The protocols of the Consent Decree for a stream discharge greater than 0.40 mgd to Forest Hills Run consist of attaining a specific bioassessment benthic invertebrate score and aquatic life use at monitoring points on Forest Hills Run designated in the above-mentioned stream sampling program. The protocols are also stipulated in the NPDES permit for flows to Forest Hills Run greater than 0.40 mgd and up to 0.50 mgd.

The docket holder shall notify the Commission when the WWTP begins to discharge flows above 0.4 mgd and up to 0.5 mgd (See Section C. DECISION condition C.2)

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 (Upper/Middle SPW)

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 Middle 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/or expansion of facilities and 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, Section C. DECISION conditions C.4 and C.5 have been included in this docket.

2. Other

At the WWTP discharge location, Forest Hills Run 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 Broadhead Creek approximately 14 River Miles downstream of the docket holder's WWTP and is operated by Broadhead Creek Regional 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-1991-027 CP-3 below, the project(s) described in Docket No. D-1991-027 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1991-027 CP-3; Docket No(s). D-1991-027 CP-2 is terminated and replaced by Docket No. 1991-027 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.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 (Flow up to 0.4 MGD Discharging to Forest Hills Run)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l; 100 lbs/day	As required by NPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C)	10 mg/l; 33 lbs/day	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.7 mg/l; 9.0 lbs/day 8.1 mg/l; 27 lbs/day	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	1.0 mg/l; 3.3 lbs/day	As required by NPDES Permit
Nitrate + Nitrite as N	13.8 mg/l; 46 lbs/day	As required by NPDES Permit
Total Kjeldahl Nitrogen	Monitor & Report	As required by NPDES Permit
Total Nitrogen	Monitor & Report	Monthly

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 Included in NPDES Permit

OUTFALL 001 (Flows Between 0.4 mgd and 0.5 MGD Discharging to Forest Hills Run)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l; 125 lbs/day	As required by NPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C)	10 mg/l; 41 lbs/day	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.7 mg/l; 11 lbs/day 8.1 mg/l; 33 lbs/day	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	1.0 mg/l; 4.1 lbs/day	As required by NPDES Permit
Nitrate + Nitrite as N	13.8 mg/l; 57 lbs/day	As required by NPDES Permit
Total Kjeldahl Nitrogen	Monitor & Report	As required by NPDES Permit
Total Nitrogen	Monitor & Report	As required by NPDES Permit

EFFLUENT TABLE C-3: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Flows Between 0.4 mgd and 0.5 MGD Discharging to Forest Hills Run)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C) Influent	Monitor & Report	Monthly
CBOD ₅ (at 20° C)	Minimum 85% Removal	Monthly
Total Dissolved Solids*	1,000 mg/l*	Quarterly

* See DECISION Condition C.7

2. Prior to the WWTP discharging an annual average flow greater than 0.40 mgd to Forest Hills Run, the docket holder is required to notify the DRBC in writing.

Other Conditions

3. 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.

4. 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.

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. 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*.
7. 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.
8. Section 2.3.10 of the Commission's *Rules of Practice and Procedure (RPP)* (18 C.F.R. 401.41), limiting the Commission's approval to three years in the absence of an expenditure of substantial funds by the project sponsor in reliance on the approval, is hereby waived for good cause shown in accordance with Section 2.9.3 (18 C.F.R. 401.123) of the same regulations. 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.
9. 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 or not 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.
10. 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 DECISION Section.

- 11.** 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.
- 12.** The facility and operational records shall be available at all times for inspection by the DRBC.
- 13.** The facility shall be operated at all times to comply with the requirements of the Commission's WQR.
- 14.** 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.
- 15.** 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.
- 16.** 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.
- 17.** 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).
- 18.** 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.
- 19.** 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).
- 20.** 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).
- 21.** 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).
- 22.** 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.

23. 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: December 7, 2022

EXPIRATION DATE: June 30, 2028