

DOCKET NO. D-2012-001 CP-3

DELAWARE RIVER BASIN COMMISSION

**Lower Bucks County Joint Municipal Authority
Water Filtration Plant**

Tullytown Borough, Bucks County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on January 25, 2022 (Application), for renewal of the docket holder's existing water filtration plant (WFP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0056880 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 Bucks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 9, 2022.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing WFP and its related. The WFP treats up to 16 million gallons per day (mgd) for public water supply and discharges 0.7 mgd of filter backwash water via Outfall No. 003 and intermittently discharges up to 0.48 mgd of sedimentation basin supernatant via the same outfall noted as MP103.
- Location.** The docket holder's WFP is located at Main Street in Tullytown Borough, Bucks County, Pennsylvania. The WFP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 122.3.

The WFP outfall is located in the Water Quality Zone 2 as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
MP103 (Basin Supernatant twice per year)	40° 7' 54"	74° 49' 4.8"
003 (Filter Backwash)	40° 7' 54"	74° 49' 8"

3. **Area Served.** The docket holder's WFP will continue to supply drinking water to Tullytown Borough as well as Bristol, Falls, and Middletown Townships and filter on-site wastewater located in Bucks County, Pennsylvania. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Design Criteria.** The docket holder's 16 mgd WFP utilizes a filtration with chemical mixing treatment process. The WFP discharges up to 0.70 mgd of treated filter backwash to Franklin Cove and the Delaware River. The WFP also discharges up to 0.48 mgd of treated supernatant on a semiannual basis (twice per year) for the cleansing of the rectangular sedimentation basins sampling point measured at MP103. In the event of an emergency or maintenance, the WFP will convey its effluent to the existing LBCJMA WWTP via existing infrastructure.

5. **Facilities.** The WFP facilities consist of 3 raw water pumps (ground water and surface water), a traveling bar screen, a flash mixing tank, 2 flocculation tanks with peddle mixers, a circular settling tank, 2 rectangular settling basins, 4 high-rate dual media filters. Treated effluent is pumped from a clear well through 4 high-service pumps. Liquid sludge is transferred to a sludge mixing tank/waste tank, a sludge thickening tank, a sludge holding tank, and 2 filter presses. Excess filtrate from the filter presses and treated clarified water or clarified supernatant are fed to a slant tank that discharges from Outfall No. 003 to the Delaware River periodically..

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 supplied by the docket holder. The docket holder's WFP processes up to 16 mgd of water. The water treated by the WFP is withdrawn from the Delaware River and 5 groundwater wells. These withdrawals are described in Docket No. D-1969-190 CP, which was approved by the Commission on February 25, 1970.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0056880 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water and migratory fishes (WWF, MF). 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. 003 are based on a discharge rate of 0.7 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was added to the Comprehensive Plan by Docket No. D-2012-001 CP-1 on July 11, 2012. The WWTP approval was renewed by Docket No. D-2012-001 CP-2 on September 13, 2017. 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 the approval of the docket holder's existing WFP and the discharge of up to 0.7 mgd of filter backwash via Outfall No. 003. This docket also approves the intermittent discharges (approximately twice per year) of up to 0.48 mgd of filter backwash via Outfall No. 001 (Formerly referred to as Outfall No. 002) and emergency/maintenance discharges to the LBCJMA WWTP conveyance system. Additionally, Monitoring point 103 (MP103) has been established as the location where effluent sampling will occur before it discharges to the river.

At the project discharge site, the Delaware River is tidal and its flow is regulated by upstream reservoir releases. The Trenton low flow target is 2,500 cfs (1.62 billion gallons per day). The addition of the tidal tributaries upstream of the discharge location at their Q_{7-10} flow and the low flow Trenton target results in a low flow of roughly 2,634 cfs (1.702 billion gallons per day) for the Delaware River at the discharge location (River Mile 122.3).

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 3.5 River Miles downstream of the docket holder's WFP and is operated by the City of Burlington.

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-2012-001 CP-3 below, the project described in Docket No. D-2012-001 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2012-001 CP-2; Docket No. D-2012-001 CP-2 is terminated and replaced by Docket No. D-2012-001 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 003 & MP103 (Discharging Filter Backwash & Basin Cleaning Supernatant)		
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

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 003 (Discharging Filter Backwash to Delaware River)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids	Monitor & Report*	Quarterly *
CBOD ₅ (at 20° C)	Monitor & Report	Quarterly
Ammonia Nitrogen	Monitor & Report	Quarterly

* See DECISION Condition C.5

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

OUTFALL MP103 (Discharging Basin Cleaning Supernatant to Delaware River)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids	Monitor & Report*	During Each Discharge *
CBOD ₅ (at 20° C)	Monitor & Report	During Each Discharge
Ammonia Nitrogen	Monitor & Report	During Each Discharge

* See DECISION Condition C.5

Other Conditions

2. 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.

3. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F above the average 24-hour temperature gradient displayed during the 1961-1966 period, nor shall such discharge result in stream temperatures exceeding 86°F.

4. 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*.

5. 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.

6. 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.

7. 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 CFR 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. In the event that 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 against the docket holder pending the grant or denial of the application for docket approval.

8. 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 Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

9. 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.

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

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

12. 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.

13. 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.

14. 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.

15. 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).

16. 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.

17. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).

18. 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 CFR 401.43).

19. 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 CFR 401.43).

20. 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.

21. 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, 2027