

DOCKET NO. D-1985-081-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Blue Ridge Real Estate Company
Jack Frost Wastewater Treatment Plant
Kidder Township, Carbon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on December 24, 2018 (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. PA0034118 for this discharge.

The application was reviewed for continuation of the project and approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 5, 2025.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's existing 0.4 million gallons per day (mgd) WWTP and its discharge.

2. Location. The docket holder's WWTP is located at the Western boundary of the Snow Ridge Development on Jack Frost Way in Kidder Township, Carbon County, Pennsylvania. The WWTP will continue to discharge treated effluent to Porter Run, upstream of the F.E. Walter Reservoir, at River Mile 183.66 – 82.9 – 1.5 (Delaware River – Lehigh River – Porter Run) and is located in the drainage area to the Lower Delaware Special Protection Waters (SPW).

The location of the WWTP outfall in the Lower Delaware SPW Watershed is as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|--------------------|---------------------|----------------------|
| 001 | 41° 6' 12" | 75° 39' 53" |

3. **Area Served.** The docket holder's WWTP will continue to serve the Jack Frost Ski Area, Jack Frost National Golf course, Snow Ridge area and appurtenant existing ski area facilities, resort, country club and residential areas. The docket holder will continue to serve 3 lots outlined along PA-940 for intended development and existing warehouse locations. Areas served by Jack Frost WWTP are located within Kidder Township, Carbon 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 0.4 mgd WWTP utilizes a complete mix activated sludge treatment process with chlorine disinfection.

5. **Facilities.** The WWTP facilities consist of comminutors, an aerated equalization tank, four (4) bio-reactor units. Effluent from the bio-reactor units flow to a tertiary treatment process, the WWTP implements flash mixing with a chemical feed system, two (2) flocculation units, and two (2) tray settlers. The disinfection system utilizes a chlorine contact tank, de-chlorination, and post aeration, a multi-cell sand filter with an automatic backwash system. Wasted sludge from the tray settler units is recycled or directed to a sludge holding unit.

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 will not be 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 docket holder is required as part of the continued discharge to install remote alarm systems (See Section C. DECISION condition C.2.).

The docket holder has not prepared and implemented an emergency management plan (EMP) for the existing WWTP in accordance with Commission SPW requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 6 months of approval of this docket (See Section C. DECISION condition C.2.).

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. PA0034118.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the docket holder. The docket holder's water withdrawal is described in detail in Docket No. D-1991-046-4, which was approved on June 5, 2024.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0034118 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 TABLE 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 are based on a discharge rate of 0.4 mgd.

B. FINDINGS

The docket holder applied to renew approval of their existing 0.4 mgd WWTP and its discharge.

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 *Water Quality Regulations (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.

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 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.

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* are 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 Reservoir) 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 (F.E. Walter Reservoir) where time of travel and relevant hydraulic and limnological factors preclude a direct impact on SPW.

2. Other

At the WWTP discharge location, Porter 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 Lehigh River approximately 70 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-1985-081-3 below, the project described in Docket No. D-1985-081-2 is removed to the extent that it is not included in Docket No. D-1985-081-3; Docket No. D-1985-081-2 is terminated and replaced by Docket No. D-1985-081-3; 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 TABLE 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 (Discharging to Porter Run) | | |
|---|---|-----------------------------|
| 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 | 7.0 mg/l (minimum at all times) | 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) | 2.5 mg/l* 7.5 mg/l* | As required by NPDES Permit |
| (5-1 to 10-31) (11-1 to 4-30) | 1.72 mg/l** 5.16 mg/l** | |
| 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 |
| Total Dissolved Solids*** | Monitor & Report *** | As required by NPDES Permit |

| OUTFALL 001 (Discharging to Porter Run) | | |
|---|----------------------------------|-----------------------------|
| PARAMETER | LIMIT | MONITORING |
| CBOD ₅ (at 20° C) | Monitor & Report Percent Removal | As required by NPDES Permit |

* NPDES Permit Monitoring Period: Permit Effective Date through Fourth Year of Permit.

** NPDES Permit Monitoring Period: Fifth Year of Permit through Permit Expiration Date.

***See DECISION Condition C.5.

2. The docket holder shall provide for standby power, install remote alarm controls and prepare an emergency management plan (EMP) within 6 months of docket approval (or upon completion of the reconstructed WWTP, whichever occurs first.) The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by May 26, 2026.

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. 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 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.

6. 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 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.

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 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.

9. 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.

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 C.F.R. 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 C.F.R. 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 C.F.R. 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 (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 10, 2025

EXPIRATION DATE: August 27, 2030