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DOCKET NO. D-1994-044 CP-5

DELAWARE RIVER BASIN COMMISSION

**Borough of Bally
Wastewater Treatment Plant
Washington 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 January 23, 2025 (Application), for renewal and re-rate 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. PA0022543 for this discharge. The PADEP issued Water Quality Management Permit No. 0695404 for this facility, approving the increase in hydraulic flow.

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 5, 2025.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an upgrade to the docket holder's existing 0.500 million gallons per day (mgd) WWTP and its discharge. The proposed upgrade consists of a re-rate and increase of the hydraulic capacity from 0.500 mgd to 0.612 mgd. No additional upgrades are proposed to support the increase in hydraulic capacity.

2. Location. The docket holder's WWTP is located at Gehman Road, east of Bally Borough in Washington Township, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to West Branch Perkiomen Creek, at River Mile 92.5 – 32.1 – 18.7 – 5.2 – 4.6 (Delaware River – Schuylkill River – Perkiomen Creek – Green Lane Reservoir – West Branch Perkiomen Creek). During periods of high-flows (stream flow $\geq$ 4.3 cubic feet per second (cfs)), the WWTP may also discharge treated effluent to an unnamed tributary (UNT) to West Branch Perkiomen Creek at River Mile 92.5 – 32.1 – 18.7 – 5.2 – 3.5 – 0.5 (Delaware River –

Schuylkill River – Perkiomen Creek – Green Lane Reservoir – West Branch Perkiomen Creek – UNT West Branch Perkiomen Creek).

The location of the WWTP outfall in the West Branch Perkiomen Creek Watershed is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 23' 24"	75° 33' 56"
002 (High Flow)	40° 23' 44"	75° 34' 21"

3. **Area Served.** The docket holder's WWTP will continue to serve the Borough of Bally and portions of Washington 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 0.500 mgd WWTP utilizes an oxidation ditch / activated sludge treatment process with filtration and chlorine contact disinfection.

The WWTP is designed for an annual average flow of 0.500 mgd, and a hydraulic design capacity of 0.612 mgd.

5. **Facilities.** The WWTP facilities consist of a control building, a mechanical comminutor with channel grinder and by-pass bar screen, a three-channel oxidation ditch with rotary aerators, a chemical addition system, two 32-foot diameter final clarifiers, a flow equalization chamber, a dry well pump station, a sludge holding tank with mechanical aerators, 2 combination thickeners/aerobic digesters, a filtration unit, and a chlorine disinfection system.

Due to inflow and infiltration (I&I) issues in the service area, flows at the plant occasionally exceeded 1.3 mgd. The Borough of Bally constructed Outfall No. 002 for such occasions since Outfall No. 001 was designed to convey up to 1.3 mgd. Outfall No. 002 discharges to an unnamed tributary to the West Branch Perkiomen Creek. The PADEP has limited discharge from Outfall No. 002 to be allowed to occur only when the flow in the West Branch Perkiomen Creek is 4.3 cfs or greater (measured at Outfall No. 001).

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. PA0022543.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the docket holder's public water system. The docket holder's water withdrawal is described in detail in Docket No. D-1978-019 CP-3, approved on September 13, 2018.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0022543 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting migratory fishes (MF) and cold water fishes (CWF). EFFLUENT TABLES C-1 and 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 at each outfall. Effluent requirements for Outfall No. 001 and Outfall No. 002 are based on a discharge rate of 0.5 mgd and 0.8 mgd, respectively. The design average annual flow for both outfalls combined, however, is 0.5 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was included in the Comprehensive Plan by Docket No. D-1966-107 CP-1 on June 22, 1966. The WWTP approval was renewed and/or modified by the following Docket Nos.:

DOCKET NO.	APPROVAL DATE	DOCKET PURPOSE
D-1975-087 CP-1	July 23, 1975	Inclusion in Comprehensive Plan
D-1994-044 CP-1	April 26, 1995	Increase Capacity
D-1994-044 CP-2	July 14, 2010	Renewal and Transfer of Ownership
D-1994-044 CP-3	March 11, 2015	Renewal
D-1994-044 CP-4	March 11, 2020	Renewal

Issuance of this docket (D-1994-044 CP-5) will continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder applied for approval of their existing 0.5 mgd WWTP and its discharge to be increased to 0.612 mgd.

At the docket holder's WWTP discharge at Outfall No. 001, the West Branch Perkiomen Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 2.0 mgd (3.11 cfs). The ratio of this low flow to the hydraulic design wastewater discharge rate from the 0.612 mgd WWTP is approximately 3.3 to 1 (2.0 mgd/0.612 mgd).

At the docket holder's WWTP discharge at Outfall No. 002 (discharging during instances of high stream flow ≥ 4.3 cfs only), the UNT to West Branch Perkiomen Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.08 mgd (0.12 cfs). The ratio of this low flow to the hydraulic design wastewater discharge rate from the 0.612 mgd WWTP is approximately 0.13 to 1 (0.08 mgd/0.612 mgd).

The nearest surface water intake of record for public water supply is located on Perkiomen Creek approximately 26 River Miles downstream of the docket holder's WWTP and is operated by Aqua Pennsylvania.

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-1994-044 CP-5 below, the project described in Docket No. D-1994-044 CP-4 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1994-044 CP-5; Docket No. D-1994-044 CP-4 is terminated and replaced by Docket No. D-1994-044 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 NO. 001 (Discharging to West Branch Perkiomen Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l Average Monthly 45 mg/l Average Weekly	As required by NPDES Permit
CBOD ₅ (at 20° C)	25 mg/l Average Monthly 40 mg/l Average Weekly	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	6.0 mg/l 12.0 mg/l	As required by NPDES Permit

OUTFALL NO. 001 (Discharging to West Branch Perkiomen 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
Total Dissolved Solids	1,000 mg/l	As required by NPDES Permit

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

OUTFALL NO. 002 (Discharging to UNT West Branch Perkiomen Creek during High Flow)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l Average Monthly 45 mg/l Average Weekly	As required by NPDES Permit
CBOD ₅ (at 20° C)	25 mg/l Average Monthly 40 mg/l Average Weekly	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	6.0 mg/l 12.0 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
Total Dissolved Solids	1,000 mg/l	As required by NPDES Permit

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. In accordance with 18 C.F.R. 401.8. of the Commission's Rules of Practice and Procedure (RPP), if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP,

whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.

5. 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.

6. 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.

7. 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.

8. 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.

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

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

11. 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.

12. 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.

13. 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.
14. 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).
15. 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.
16. 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).
17. 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).
18. 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).
19. 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.
20. 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:

EXPIRATION DATE: August 31, 2030