DOCKET NO. D-1994-059 CP-3

DELAWARE RIVER BASIN COMMISSION

Wastewater Treatment Plant Expansion in Special Protection Waters

Town of Fallsburg
WHO Wastewater Treatment Plant
Town of Fallsburg, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on January 5, 2022, with updated and revised project information submitted on June 26, 2025 (Application), providing the necessary information to include the docket holder's proposed wastewater treatment plant (WWTP) expansion in the Commission's Comprehensive Plan.

The application to the DRBC was reviewed for inclusion of the expansion project in the Comprehensive Plan. Review of the project under Section 3.8 of the *Delaware River Basin Compact* will be completed in accordance with the 2016 Administrative Agreement with the New York State Department of Environmental Conservation (NYSDEC). The Sullivan County Planning Department 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 include the docket holder's proposed expansion of the Town of Fallsburg WWTP from 3.3 million gallons per day (mgd) to 4.5 mgd in the DRBC's Comprehensive Plan in accordance with Article 11 of the DRBC Compact.

2. Location. The docket holder's WWTP is located at State Route 42 in the Town of Fallsburg, Sullivan County, New York. The WWTP will continue to discharge treated effluent to the Neversink River, at River Mile 253.64 – 33.8 (Delaware River – Neversink River) and is located in the drainage area to the Middle Delaware Special Protection Waters (SPW).

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

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 42' 56"	74° 36' 51"

3. Area Served. The docket holder's WWTP will continue to serve the Fallsburg Sewer District including residences and businesses primarily in Woodburne, Hurleyville, Old Falls, and South Fallsburg Townships, located in Sullivan County, New York. 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 3.3 mgd WWTP's treatment process consists of a bar screen and grit removal system, primary clarification, trickling filters, rotating biological contactors (RBCs), final clarification, and chlorination/dechlorination. The upgraded and expanded WWTP will be converted to utilize a membrane bioreactor (MBR) treatment process with several other upgrades.

5. Facilities. The principal elements of the project upgrade to support the hydraulic capacity increase from 3.3 mgd to 4.5 mgd include an expanded headworks building, additional equalization tanks, new primary clarifiers, new MBR treatment process, a new post-aeration tank, new gravity thickener, new ultraviolet (UV) light disinfection system, and replaced outfall pipe.

The current trickling filter and RBC treatment technology will be converted to a new MBR treatment system as recommended by the consulting engineers for improved treatment efficiency. The MBR treatment system is anticipated to require a smaller physical footprint than the current WWTP located on the 15-acre lot.

Upgrades to existing facilities and equipment are anticipated on an as needed basis, along with the addition of stormwater control systems. The existing outfall pipe is proposed to be replaced from an 18" to 24" diameter.

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 included in the NYSDEC SPDES permit. The existing WWTP has a remote alarm system installed that continuously monitors plant operations.

The docket holder shall prepare and implement an emergency management plan (EMP) for the expanding WWTP in accordance with Commission SPW requirements included in the NYSDEC SPDES permit. The docket holder has prepared and implemented an emergency management plan (EMP) for the expanding WWTP in accordance with Commission SPW requirements.

The project facilities are not located in the 100-year floodplain.

Sludge is processed through a gravity thickener, anaerobically digested, and sent to a belt press for dewatering. Wasted sludge will continue to be hauled off-site for disposal in accordance with SPDES Permit No. NY0024520.

6. **Water Withdrawals**. The potable water supply in the project service area is provided by the Town of Fallsburg's groundwater withdrawal.

The docket holder's water withdrawal is described in detail in Docket No. D-1990-105 CP-5, which was approved on March 9, 2022.

7. Relationship to the Comprehensive Plan. The existing WWTP was included in the Comprehensive Plan by Docket No. D-1967-069 CP on June 23, 1967. The WWTP approval was renewed and/or modified by the following dockets:

Docket No.	Approval Date	Purpose
D-1985-076 CP	November 25, 1986	Expansion
D-1994-059 CP	December 7, 1994	Expansion
D-1994-059 CP-2	March 6, 2013	Renewal

Issuance of this docket will continue the upgraded WWTP and its discharge in the Comprehensive Plan.

8. Estimated Construction Cost. The total construction cost is estimated at approximately $101,000,000.

B. FINDINGS

The purpose of this docket is to include the docket holder's proposed expansion of the South Fallsburg WHO WWTP from 3.3 mgd to 4.5 mgd in the DRBC Comprehensive Plan in accordance with Article 11 of the DRBC Compact.

According to the *South Fallsburg WWTP Upgrade Engineering Report* 9/30/2021 (Delaware Engineering, D. P. C., amended March 26, 2025), the existing South Fallsburg WHO WWTP has been in operation since the 1960s with much of the existing equipment needing to be replaced soon. The existing WWTP's hydraulic capacity is not supportive of the expected population growth of the existing service area and is often utilized nearly to its maximum capacity in the summer months due to peak seasonal demand. Due to the substantive necessary equipment replacements and insufficient available hydraulic capacity, the proposed expansion and upgrades are necessary to maintain compliance with effluent limitations and support the peak seasonal demand and expected increase in service area population.

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 *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.

In 2009, Commission staff developed the first iteration of the Neversink River Water Quality Model (NR-WQM), which was created to ensure that existing water quality (EWQ) for the year 1992 at the Neversink River boundary control point (BCP) was protected. Commission staff previously worked with Camp Dresser & McKee (CDM), the former engineers for the project, to establish the pre-existing loads and their associated flow for both the Loch Sheldrake and WHO WWTPs, as detailed in the previous docket. The WHO WWTP's pre-existing loads are located in Table B-1 below. Since the docket holder is performing a substantial expansion and upgrade at the WHO WWTP, new effluent limitations have been calculated based on the proposed 4.5 mgd flow and using the NR-WQM. The new effluent limitations based on the proposed increase in flow are located in Table B-2 below.

Table B-1: WHO WWTP's Pre-existing Loads

Months	TSS (lbs/day)	Total P (lbs/day)	Nitrate + Nitrite as N (lbs/day)	TKN as N (lbs/day)	Ammonia – as N (lbs/day)
May-Sept*	246.62	54.77	334.21	103.17	58.38

*Pre-existing Loads are associated with a flow of 2.1 mgd

Table B-2: WHO WWTP's Total Allowable Loads

TSS (lbs/day)	Total P (lbs/day)	Nitrate + Nitrite as N (lbs/day)	TKN as N (lbs/day)	Ammonia – as N (lbs/day)
847.49	75.20	354.24	161.24	80.41

*Limits are based on a flow of 4.5 mgd

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.*

The requirements under Section 3.10.3A.2.e.1) of the Commission's 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 are applicable to the proposed project. Accordingly, Section C. DECISION condition(s) C.3. has been included in this docket.

Since the WHO WWTP is located in Sullivan County, New York, the project is subject to stormwater ordinances including the implementation of a Stormwater Pollution Prevention Plan (SWPPP), Erosion and Sediment Control Plan, and Post-Construction Stormwater Management Plan, all in accordance with the requirements of SPDES Permit No. NY0024520. Stormwater is currently managed by a system of catch basins and pipes, bioretention basins, and swales. The SWPPP details stormwater runoff mitigation strategies including but not limited to silt fencing, temporary seeding, and erosion control blankets utilized during construction. Soil restoration and permanent vegetative planting are planned for post construction. The project is covered with a No Exposure Certification, indicating any industrial materials and waste from construction will be shielded from stormwater.

2. Alternatives.

Several natural alternatives such as primary and secondary productivity, crop production, wetlands, and ponds were analyzed, however not considered feasible due to physical site constraints as the property is bound between Main Street and the Neversink River. Due to the hydraulic capacity of the plant, a nitrification/denitrification pretreatment facility would be required to achieve nitrate levels less than 10 mg/l, which would not be feasible with a natural alternative at this location.

A comprehensive analysis of alternatives for the biological treatment process was conducted and included the following alternatives:

- No Action
- Construction of a new WWTP at a separate location
- Construction Phasing to minimize non-compliance
- Expansion of existing WHO WWTP

Based on the alternative analysis, the “No Action” and “Construction Phasing” alternatives are unable to resolve the issues with the current WHO WWTP. Construction of a new WWTP at a separate location from the WHO WWTP would not address the water quality concerns to the receiving water body. Expansion of the existing WHO WWTP was found to be the solution with maximum cost effectiveness and minimal environmental impact comparatively.

The expansion selected consists of the conversion from the existing trickling filters and RBC technology to MBR treatment technology. The conversion to MBR treatment technology is a space-conserving choice that allows the WHO WWTP to expand in the future if deemed necessary, and this new treatment technology will provide a higher level of wastewater treatment better addressing total suspended solids, biological oxygen demand, nitrogen, and phosphorus. The components of the upgrade and expansion are as follows:

- Conversion of existing trickling filters and RBCs to new MBR system
- Conversion of existing chlorine contact tanks to post-aeration tanks
- Expansion of the existing headworks building
- Addition of equalization tanks with pumps and screens
- New fine screening building

- New primary clarifiers
- New UV disinfection system
- New chemical storage facility
- New post-aeration tank
- New gravity thickener and refurbishment of existing gravity thickener
- New non-potable water (NPW) system
- New stormwater control systems
- Replacement of outfall pipe
- Upgraded electrical service and distribution
- General upgrades to buildings, sludge storage, SCADA technology, and instrumentation

3. DRB Compact Section 3.8 Review and One Permit Process.

This docket approves the inclusion of the proposed project in the DRBC's Comprehensive Plan. Review under Section 3.8 of the DRB Compact has occurred in accordance with the 2016 Administrative Agreement with The New York State Department of Environmental Conservation (NYSDEC). Under this agreement, DRBC requirements have been included in the NYSDEC SPDES Permit No. NY0024520 and comply with the effluent quality requirements and stream quality objectives included in the Commission's Water Quality Regulations (WQR).

4. Other.

The project is not expected to conflict with the Comprehensive Plan and shall be 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.

C. DECISION

Effective on the approval date for Docket No. D-1994-059 CP-3 below, the project(s) described in Docket No. D-1994-059 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1994-059 CP-3; Docket No. D-1994-059 CP-2 is terminated and replaced by Docket No. 1994-059 CP-3; 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:

1. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

2. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent

with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

3. Prior to project construction, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e. of the Commission's *WQR*.

Other Conditions

4. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

5. 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.

6. 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.

7. 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.

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