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DOCKET NO. D-2019-003-2

DELAWARE RIVER BASIN COMMISSION

**Wheelabrator Falls, Inc.
Electric Generation Facility Consumptive Use
Falls Township, Bucks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on April 22, 2025 to approve a revised consumptive use allocation for an existing electric generation facility. The previous docket approved a temporary water use allocation effective until a cooling tower water conservation project was finished and evaluated. The docket granted a lower allocation for use in the long-term, once the conservation project was complete, but the cooling tower conservation project was eliminated.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Bucks County Planning Commission has been notified of pending action on this docket. 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 the approval of the docket holder's existing 53-megawatt waste-to-energy facility consumptive use of up to 27.90 million gallons per month of surface water provided by the Township of Falls Authority interconnection with Morrisville Municipal Authority. The consumptive use allocation provided by this docket is an increase in the long-term consumptive use allocation approved by the previous docket because of the elimination of a cooling tower water conservation project.

2. **Location.** The waste-to-energy facility is located on New Ford Mill Road in Falls Township, Bucks County, Pennsylvania. Water for the project is municipal water purchased from the Township of Falls Authority through an interconnection with the Morrisville Municipal Authority (MMA). The MMA obtains its water from an intake located in the Delaware River Water Quality Zone 1E in the Borough of Morrisville, Bucks County, Pennsylvania. The Delaware River near the project site and at the intake location is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting warm water fishes, migratory fishes (WWF, MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** Water supplied by the Township of Falls Authority will continue to be used for industrial cooling and processes at the Wheelabrator Falls waste-to-energy facility as shown on a figure entitled “Site Location Map, Wheelabrator Falls, Inc.” submitted with the application.

4. **Design Criteria.** Wheelabrator Falls is a waste-to-energy facility located on an approximate 75-acre parcel containing an office building, production facility and recycling center. The facility began operations in 1994 and generally operates 24 hours per day. The facility converts up to 1,600 tons of solid waste per day into electric power utilizing mass burn technology. Solid waste is delivered to the plant via truck and stored in the receiving pit. Cranes then deposit the municipal solid waste into the refuse feed hoppers where reciprocating grates move the refuse through the furnace where combustion of the material occurs. Air from the reception area is drawn in above and below the grates to ensure complete combustion and maintain negative air pressure over the reception area to eliminate odors and prevent the escape of dust. A waterwall boiler above the grate area produces superheated steam which is used to drive a turbine generator that produces up to 53 megawatts of electricity for use in the local electric grid.

The average and maximum daily water demands of the facility are 0.701 million gallons per day (mgd) and 0.903 mgd, respectively. Most water is used for cooling purposes. The remainder of the water is used for general plant operations consisting of boiler and auxiliaries’ makeup water, ash conditioning, flue gas cleaning and sanitary purposes. The facility’s fire system also relies on purchased municipal water. The plant is considered a zero-discharge facility as all water is consumed because of evaporation and drift losses from the cooling towers and flue gas cleaning system. Additionally, water from cooling tower blowdown is transferred to a reclaimed water system and used for ash conditioning. All domestic wastewater is stored on site in septic holding tanks and removed by a sewage disposal company. Currently approximately 1,000 gpd of domestic wastewater is produced at the facility with the potential to generate up to 2,160 gpd. The docket holder did not indicate any future changes from its current demands.

5. **Facilities.** The waste-to-energy plant includes waste material handling processing equipment, two mass burn boilers, water demineralizing equipment, a flue gas cleaning system including a spray dryer absorber and fabric filters, a steam powered turbine generator and a cooling tower. Also present is a concrete chimney, ash conditioning and loadout area, and warehouse area.

All water including potable water is purchased from the Township of Falls Authority and is metered.

Water used in the boilers is demineralized prior to use.

Waste from Fly ash and bottom ash is disposed of off-site.

6. **Other.** The facility is considered a zero-discharge facility. All water is consumed in the cooling and industrial processes at the facility. Domestic wastewater is stored onsite in tanks and periodically removed by a sewage disposal company. The docket holder does make periodic discharges (one to five times per year) of up to 18,000 gallons per event from the testing and

maintenance of the facility's fire suppression system. The volume of discharge is less than the Commission's regulatory review threshold and does not require approval by the Commission.

B. FINDINGS

The docket holder submitted an Application to renew the approval of the existing Wheelabrator Falls waste-to-energy facility and revise its long-term consumptive use allocation as requested by the Commission in a letter dated February 26, 2025. The increased long-term consumptive use allocation approved by this docket is due to the elimination of a cooling tower water conservation project.

1. Water Supply

Water used at the project is purchased from the Township of Falls Authority. The Township of Falls Authority obtains water through six interconnections including an interconnection with MMA which is used primarily to supply the docket holders' facility. The Township of Falls Authority is permitted by the PADEP (Water Allocation Permit No. WA09-962A) to purchase up to 900,000 gallons per day, based on a 30-day average, from the Morrisville Municipal Authority. MMA obtains its water supply from a surface water intake on the Delaware River. The MMA surface water withdrawal was approved by DRBC Docket No. D-74-72 CP on April 23, 1975.

2. Consumptive Use

The consumptive use of the project is virtually 100 percent of the total water use. The water used for domestic/potable purposes at the facility is non-consumptive, but the volume in relation to the overall project demand is negligible. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

3. Consumptive Use Replacement Plan

Resolution No. 2018-5 requires that certain electric generating or cogenerating facilities develop or acquire sources of replacement water for use during critical hydrologic conditions as a condition of approval. The Project is subject to the consumptive use requirement as it a generating facility designed to consumptively use more than 100,000 gallons per day of water during any 30-day period and the primary source of water is surface water located upstream of River Mile 38.

The following provision from Resolution No. 2018-5 is included as Condition C.4. in Section C. DECISION:

“For the duration of a critical hydrologic condition as announced by the Commission, on a daily basis the docket holder shall cause to be released from a replacement water source approved by the Commission an amount of water equal to the amount consumptively used by the docketed facility,

multiplied by the applicable relative effect factor, if assigned. For the duration of such critical hydrologic condition, the docket holder shall operate its facility only at a level commensurate with the amount of replacement water it is capable of causing to be released.”

The docket holder submitted a CURP dated July 14, 2025. The CURP was found to be consistent with the Commissions’ Consumptive Use Replacement Policy for Power Generators (Resolution No. 2018-5) and was approved by the DRBC Executive Director on September 16, 2025.

In summary, the docket holder has executed a water resources agreement with Eagle Creek Hydro Power, LLC, Eagle Creek Land Resources, LLC and Eagle Creek Water Resources, LLC (individually and collectively, the Eagle Creek Companies) for the acquisition of reservoir storage in the Mongaup system and provision of flow augmentation releases to offset consumptive use at the Wheelabrator Falls facility. The agreement includes a secured volume of 900,000 gallons per day, 27 million gallons over 30 days, and 108 million gallons in any water year (June 1 through May 31). The duration of the agreement is one year, with automatic renewals each year. The amount of contracted storage provides approximately 120 days of makeup water to offset typical consumptive use.

Prior to any change to the approved replacement source described above, the docket holder must submit a Consumptive Use Replacement Plan in accordance with Resolution No. 2018-5 to the Commission and receive written approval from the DRBC Executive Director. See Section C. DECISION condition C.5.

4. Surface Water Charges

Currently, surface water charges are being remitted to the Commission by the Township of Falls Authority on behalf of the docket holder. Should the Township of Falls Authority cease to make payments on behalf of the docket holder in the future, the docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.5. in the DECISION section.

5. Other Findings

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

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.

C. DECISION

Effective on the approval date for Docket No. D-2019-003-2 below, Docket No. D-2019-003-1 is terminated and replaced by Docket No. D-2019-003-2. The project and appurtenant facilities as described in Section A.4. (Design Criteria) and A.5. (Facilities) are approved subject to the following conditions, pursuant to Section 3.8 of the *Compact*:

Monitoring and Reporting

1. The quantity of water used shall be determined by meters, or other methods approved by the Commission, installed, maintained and read by or on behalf of the docket holder. Meters or other methods of measurement shall be subject to approval and inspection by the Commission as to installation, maintenance and reading
2. The docket holder shall pay for surface water use in accordance with *Basin Regulations – Water Supply Charges 18 C.F.R. Part 420*.

Other Conditions

3. During any month, consumptive use may not exceed 27.90 mgd for use at the electric generating facility.
4. For the duration of a critical hydrologic condition as announced by the Commission, on a daily basis the docket holder shall cause to be released from a replacement water source approved by the Commission an amount of water equal to the amount consumptively used by the facility, multiplied by the applicable relative effect factor, if assigned. For the duration of such critical hydrologic condition, the docket holder shall operate its facility only at a level commensurate with the amount of replacement water it is capable of causing to be released.
5. Prior to any change of the approved replacement source or consumptive use allocation described in facility's CURP, the docket holder shall submit a Consumptive Use Replacement Plan in accordance with Resolution No. 2018-5 to the Commission and receive written approval from the DRBC Executive Director.
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 the docket holder has not applied to renew the docket or the DRBC is unable 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 renewal of the docket.

8. The facility and operational records shall be available at all times for inspection by the DRBC.
9. The facility shall be operated at all times to comply with the requirements of the *WC* and *WQR* of the DRBC.
10. No water 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).
11. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.
12. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.
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 is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.
15. 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).
16. 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).
17. 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).
18. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder to ensure the proper control, use and management of the water resources of the Basin.

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. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

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:

EXPIRATION DATE: December 10, 2035