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DOCKET NO. D-1985-030-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**American Nickeloid Company
Industrial Wastewater Treatment Plant
Walnutport Borough, Northampton County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Compliance Management International on behalf of American Nickeloid Company (ANC or docket holder) on July 28, 2017 (Application) for renewal of the docket holder's existing industrial wastewater treatment plant (IWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0011762 for the NCCW discharge on October 19, 2018.

The Application was reviewed for 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 14, 2018.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's existing 0.045 million gallons per day (mgd) IWTP and its discharge. This docket also continues the approval of a total dissolved solids (TDS) determination consisting of an average monthly effluent limit of 4,000 mg/l.

2. Location. The ANC coil production and metals finishing facility and its IWTP is located on North Railroad Street in Walnutport Borough, Northampton County, Pennsylvania. The IWTP's treated industrial process wastewater effluent is monitored at MP 101 prior to comingling with stormwater from the site and discharging to the Lehigh River at River Mile 183.66 – 45.1 (Delaware River – Lehigh River) via Outfall No. 001. The IWTP and its discharge are located within the drainage area to the Lower Delaware Special Protection Waters (SPW), in Walnutport Borough, Northampton County, Pennsylvania.

The project outfall is located in the Lehigh River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 45' 28.76"	75° 36' 10"

3. Area Served. The docket holder's IWTP will continue to serve the ANC coil production and metals finishing facility located in Walnutport Borough, Northampton 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. Physical features.

a. Design criteria. The docket holder's 0.045 mgd IWTP utilizes microfiltration, clarification, neutralization, and dewatering of sludge.

b. Facilities. The IWTP facilities consist of four filter presses, a mixed waste tank, a clarifier, an ultrafilter, a neutralization tank, and a discharge tank. IWTP effluent is monitored at Internal Monitoring Point 101 and comingled with stormwater prior to discharge via Outfall No. 001 to the Lehigh River.

The docket holder's IWTP discharges to waters classified as SPW and is required to have available emergency power unless it can be shown that a the discharge can be interrupted for an extended period of time with no threat to the water quality of SPW. In the event of power loss, the docket holder's IWTP effluent discharge pump does not operate and flow through the IWTP is shut down until power is restored. Since there is no discharge during power loss, DRBC staff determined that it appears that there is no threat to SPW water quality during power loss.

The docket holder's IWTP is staffed 24 hours per day, and therefore the IWTP is not required to have a remote alarm system that continuously monitors plant operations installed in accordance with the Commission's SPW requirements.

The docket holder has prepared and implemented an emergency management plan (EMP) for the IWTP in accordance with Commission SPW requirements.

Waste sludge will continue to be hauled off-site by a licensed hauler for disposal at a state approved facility.

c. **Water withdrawals.** The potable water supply in the project service area is provided by groundwater wells owned and operated by Walnutport Authority, which is described in detail in Docket No. D-1990-087 CP-3, approved on June 11, 2014.

d. **Effluent Requirements.** EFFLUENT TABLES A-1 & A-2 below contain effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.II.c.). NPDES Permit No. PA0011762 was issued by the PADEP on October 19, 2018, and includes final effluent limitations for the project discharges of 0.045 mgd (IWTP effluent; Internal Monitoring Point No. 101); and 0.053 mgd (Combined IWTP effluent and Stormwater; Outfall No. 001) and to surface waters classified by the PADEP as supporting trout stocking and migratory fishes (TSF/MF). The following average monthly effluent limits and monitoring requirements are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit for Internal Monitoring Point No. 101

Internal Monitoring Point No. 101 (IWTP effluent)		
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
Total Dissolved Solids*	4,000 mg/l 1,501 lbs/day	As required by NPDES permit
CBOD (5-Day at 20° C) Influent and Effluent	Monitor & Report	As required by NPDES permit

* See Condition C.II.r. in DECISION section

TABLE A-2: DRBC Parameters Included in NPDES Permit for Outfall No. 001

Outfall No. 001 (Lehigh River)		
PARAMETER	LIMIT	MONITORING
Total Suspended Solids	100 mg/l	As required by NPDES permit

B. FINDINGS

The docket holder submitted an Application to renew approval of their existing 0.045 mgd IWTP and its discharge. This docket holder also requested continuation of the approval of a total dissolved solids (TDS) determination consisting of an average monthly effluent limit of 4,000 mg/l.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high 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. (Upper/Middle SPW)

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 ANC facility and its discharge are located in the drainage area to the Lower Delaware SPW area. 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, or expansion of facilities or 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. Accordingly, DECISION Conditions C.II.k. has been included in this docket.

TDS Determination

Section 3.10.4.D.2 of the DRBC's *WQR* includes the Commission's basin-wide TDS effluent concentration limit of 1,000 mg/l. The Commission's in-stream TDS criteria is that the receiving stream's resultant TDS concentration be less than 133% of the background (*WQR* Section 3.10.3.B.1.b.). The 133% of the background TDS requirement is for the protection of aquatic life.

The Commission approved a monthly average TDS determination consisting of average monthly effluent limits of 4,000 mg/l and 1,501 lbs/day via Docket No. D-1985-030-2 on December 10, 2014. TDS is generated from the neutralization and the metals rinsing /electroplating process.

The DRBC estimated Q_{7-10} flow of the Lehigh River at the point of discharge as 186 cfs (120 mgd). The background TDS concentration for the Lehigh River is estimated to be 100 mg/l. Commission staff calculated that at a discharge flow of 0.045 mgd and the effluent concentration limit of 4,000 mg/l of TDS under Q_{7-10} conditions, the resultant in-stream TDS concentration of 101.5 mg/l. 101.5 mg/l is 101.5 % of the background TDS concentration for the Lehigh River at the point of discharge. Under the average monthly effluent concentration limit for the IWTP discharge, the discharge will not result in an exceedance of 133% of background TDS.

This docket continues the approval of a TDS determination consisting of a 4,000 mg/l average monthly effluent limit from the IWTP.

According to the United States Geological Survey (USGS) Streamstats program, the Lehigh River at docket holder's IWTP discharge has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 120 mgd (185 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.045 mgd IWTP is 2,667 to 1.

The nearest surface water intake of record for public water supply is located on the Lehigh River approximately 20.4 River Miles downstream of the docket holder's IWTP, and is operated by the Northampton Borough Municipal 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 are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1985-030-3 below, Docket No. 1985-030-2 is terminated and replaced by Docket No. 1985-030-3; and

II. The project and appurtenant facilities as described in the Section A "Physical features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

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

b. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *Flood Plain Regulations (FPR)*.

c. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.state.nj.us on the **Annual Effluent Monitoring Report Form** located at this web

address: <http://www.state.nj.us/drbc/programs/project/pr/info.html>. 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.

d. 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*.

e. 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.

f. 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.

g. The docket holder is permitted to treat and discharge wastewaters 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.

h. 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.

i. 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).

j. 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, in order to ensure proper control, use and management of the water resources of the Basin.

k. 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 is in compliance with a DRBC approved NPSPCP.

l. 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.

m. 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).

n. 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).

o. 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).

p. 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.

q. 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.

r. 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.

s. 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.

t. 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.

u. Prior to the docket holder initiating any substantial alterations or additions to the existing discharge, 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.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: August 31, 2023