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DOCKET NO. D-2018-008-1

DELAWARE RIVER BASIN COMMISSION

Discharge to the Drainage Area of Special Protection Waters

**Village Utility LLC
Wastewater Treatment Plant and Groundwater Discharge
Sparta Township, Sussex County, New Jersey**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) by Village Utility LLC on October 18, 2018 (Application), for approval of a new wastewater treatment plant (WWTP) and its discharge to groundwater. The New Jersey Department of Environmental Protection (NJDEP) issued New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0228338 for the discharge to groundwater on November 24, 2014 and Treatment Works Approval No. 15-0427 for the WWTP construction on February 24, 2016.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Sussex County Planning Board 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 approve the docket holder's new 0.12 million gallon per day (mgd) North Village @ Sparta WWTP and its discharge to groundwater via four subsurface disposal beds.
- 2. Location.** The new WWTP be located near the intersection of White Lake Road and NJ State Route 15 in Sparta Township, Sussex County, New Jersey, and will discharge treated wastewater effluent to groundwater via four subsurface disposal beds totaling an area of 40,152 square feet. The discharge is located in the Paulins Kill Watershed, within the drainage area to the Lower Delaware Special Protection Waters (SPW). as follows:

DISCHARGE TO	LATITUDE (N)	LONGITUDE (W)
Subsurface Disposal Beds	41° 4' 40"	74° 39' 24"

3. **Area Served.** The docket holder's new WWTP will serve the new North Village @ Sparta residential and commercial development to be located in Sparta Township, Sussex County, New Jersey. 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 new 0.12 mgd WWTP will utilize a biological nutrient removal (BNR) treatment system and discharge to groundwater via subsurface disposal beds. No WWTP effluent will be discharged to surface water.

b. **Facilities.** Sewage influent will be conveyed to the new WWTP by a new sewer conveyance system comprised of gravity sewers, a pumping station, and force main sewers. After influent is treated by the BNR system at the WWTP, effluent will be directed by gravity sewer to four new subsurface disposal beds that will total an area of 40,152 square feet, for discharge to groundwater.

The docket holder has not prepared and implemented an emergency management plan (EMP) for the new 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 DECISION Condition C.I.m.). (SPW)

The docket holder has incorporated natural wastewater treatment technologies in the form of subsurface disposal beds into the design of the treatment facility. The subsurface disposal beds utilize sand filtration from the underlying natural soils to provide further treatment of the wastewater. The use of subsurface disposal beds satisfies the natural treatment alternative (NTA) analysis requirement contained in Section 3.10.3 A.2.c.2) of the Commission's *Water Quality Regulations (WQR)*.

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

Wasted sludge will 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 Sparta Township Water Utility. The water withdrawal was last approved by the DRBC in Docket No. D-1998-001 CP-1 on December 3, 2003.

B. **FINDINGS**

The purpose of this docket is to approve the docket holder's new 0.12 WWTP and its discharge to groundwater via subsurface disposal beds.

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. (Lower SPW)

The docket holder's WWTP discharges to the drainage area of 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 entail construction of facilities and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time. Sparta Township adopted its Municipal Stormwater Management Plan (approved by Sussex County, effective July, 2006) which contains stormwater management requirements for the project service area. The docket holder received Soil Erosion and Sediment Control Plan Certification for the construction of the project from the Sussex County Soil Conservation District on September 14, 2018. The Stormwater Management Plan and the Certification satisfy NPSPCP requirements of the Commission.

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 NJPDES 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-2018-008-1 below, the project and appurtenant facilities as described in 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. 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*.

d. 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.

e. 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.

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

g. 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.

h. The WWTP construction shall be completed prior to the date of docket expiration (December 12, 2023) or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the construction has not been completed prior to docket expiration and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the WWTP construction shall expire. If the docket expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction.

i. 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.

j. 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.

k. 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).

l. 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.

m. The docket holder shall prepare an EMP within six months of docket approval, or upon completion of the WWTP construction, whichever occurs first. The docket holder shall submit the EMP by June 12, 2019.

n. 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.

o. 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).

p. 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).

q. 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).

r. 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.

s. 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.

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.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 12, 2023

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