DOCKET NO. D-1977-058-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Mount Airy #1, LLC
Wastewater Treatment Plant
Paradise Township, Monroe County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Ceco Associates, Inc. (Ceco) on behalf of Mount Airy #1, LLC (Mount Airy or docket holder) on December 2, 2011 (Application), for the renewal of an existing wastewater treatment plant (WWTP) discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0060054 for this project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on October 16, 2007, effective November 1, 2007. PADEP approval of the renewal of the NPDES Permit is expected by the end of the year.

The Application was reviewed for approval under Section 3.8 of the Delaware River Basin Compact. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 10, 2012.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew approval of the existing 0.22 million gallons per day (mgd) Mount Airy WWTP and its related discharge.

2. **Location.** Treated effluent from the existing WWTP will continue to discharge to Forest Hills Run at River Mile 213.0 – 3.6 – 0.85 – 8.6 - .083 – 0.1 (Delaware River – Brodhead Creek – McMichael Creek – Pocono Creek – Reeder Run – Forest Hills Run) via Outfall No. 001, in Paradise Township, Monroe County, Pennsylvania. The existing WWTP and its discharge are located in the drainage area to the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters (SPW) as follows:
3. **Area Served.** The existing WWTP will continue to serve approximately 890 acres in Paradise Township, Monroe County, Pennsylvania. The 890 acres includes the Mount Airy Casino Resort facilities and the Our Lady of the Poconos Convent. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical Features.**
   
a. **Design Criteria.** The docket holder operates an existing 0.22 mgd WWTP.
   
b. **Facilities.** The existing WWTP consists of a rotating drum mechanical screening unit, an equalization tank, a diversion chamber (splitter box), an alum feed tank, a magnesium hydroxide feed tank, three (3) aeration tanks, three (3) final clarifiers, a sodium hypochlorite feed tank, an aerated sludge holding tank, and two (2) chlorine contact tank.

   The docket holder’s wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The existing WWTP has a generator installed capable of providing emergency power. (SPW)

   The docket holder’s wastewater treatment facility is not staffed 24 hours per day, and is required to have a remote alarm system that continuously monitors plant operations. The docket holder’s existing WWTP has a verbatim dialer system installed to monitor the facility 24 hours per day. (SPW)

   The docket holder’s existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. (SPW)

   The project facilities aren’t located in the 100-year floodplain.

   Wasted 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 supplied by the docket holder. The ground and surface water withdrawals related to this service area were approved by the Commission via Docket No. D-89-37-3 on February 28, 2007.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0060054 was approved by the PADEP on October 16, 2007 (effective November 1, 2007) and includes final effluent limitations for the project discharge of 0.22 mgd to surface waters classified by the PADEP as a High Quality – Cold Water Fishery (HQ–CWF). The PADEP is expected to renew the NPDES Permit before the end of the year. 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 A-1: DRBC Parameters Included in NPDES Permit**

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>LIMIT</th>
<th>MONITORING</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH (Standard Units)</td>
<td>6 to 9 at all times</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>30 mg/l</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>Dissolved Oxygen</td>
<td>6.0 mg/l (minimum at all times)</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>CBOD (5-Day at 20°C)</td>
<td>25 mg/l (85% minimum removal*)</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>Ammonia Nitrogen (5-1 to 10-31)</td>
<td>3.0 mg/l</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td></td>
<td>9.0 mg/l</td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform (5-1 to 9-30)</td>
<td>200 colonies per 100 ml as a geo. avg.</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td></td>
<td>2000 colonies per 100 ml as a geo. avg.</td>
<td></td>
</tr>
<tr>
<td>Phosphorus</td>
<td>2.0 mg/l</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>Total Dissolved Solids</td>
<td>1,000 mg/l **</td>
<td>As required by NPDES Permit</td>
</tr>
<tr>
<td>Nitrate + Nitrite as N</td>
<td>Monitor &amp; Report *</td>
<td>As required by NPDES Permit</td>
</tr>
</tbody>
</table>

* DRBC Requirement
** See DECISION Condition II.q.

**EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit**

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>LIMIT</th>
<th>MONITORING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Kjeldahl Nitrogen</td>
<td>Monitor &amp; Report *</td>
<td>Monthly *</td>
</tr>
</tbody>
</table>

* DRBC Requirement

**Cost.** There is no construction proposed at this time and therefore there are no project costs associated with this renewal.

**B. FINDINGS**

The purpose of this docket is to renew approval of the existing 0.22 mgd Mount Airy WWTP and its related discharge.

In 1992, the DRBC adopted SPW requirements, as part of the Commission’s *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 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. (Upper/Middle SPW)

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 applicant’s service area which is also located within the drainage area of SPW. The service area of the docket holder is located within the drainage area to SPW. Since this project does not entail additional construction and expansion of facilities/service area (i.e., there aren’t any new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition II.m. has been included in this docket.

At the project site, the Forest Hills Run has an estimated seven-day low flow with a recurrence interval of ten years of 0.71 mgd (1.1 cfs). The ratio of this low flow to the maximum WWTP discharge of 0.22 mgd is 3.2 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is located on Brodhead Creek and operated by the Brodhead Creek Regional Authority approximately 8.73 river miles below the confluence of Forest Hills Run and Brodhead Creek.

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 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


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. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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

c. The facility shall be operated at all times to comply with the requirements of the Commission’s WQR.

d. 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 directly to the DRBC Project Review Section. 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.

e. 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.

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 discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F. (Trout Waters only)

h. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

i. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. 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).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

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. In accordance with Section 3.10.3A.2.e. of the Commission’s WQR, the docket holder shall approve no connections from any service area or new development within the service area identified in Description Section A.3 without first obtaining from the DRBC Project Review Section written confirmation that a NPSPCP approved by the Commission is in place for the service area or development to be served. Evidence that the host municipality (Paradise Township) has enacted an ordinance conforming to the PADEP-approved Act 167 Plan for the Brodhead-McMichaels Creek Watershed and written confirmation that the docket holder will comply with the enacted ordinance can satisfy this requirement. After municipal ordinance adoption of the Act 167 Plan, a NPSPCP completed in accordance with the enacted ordinance shall be the sole means of satisfying this condition.

n. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. 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 this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. 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.

p. 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.

q. 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.

r. 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

DATE APPROVED:        May 10, 2012

EXPIRATION DATE:       October 31, 2017