

DOCKET NO. D-1975-028 CP-5

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Pen Argyl Municipal Authority
Wastewater Treatment Plant
Borough of Pen Argyl, Northampton County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on May 5, 2020 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The discharge is permitted by the Pennsylvania Department of Environmental Protection (PADEP) in National Pollutant Discharge Elimination System (NPDES) Permit No PA0037052.

The Application was reviewed for continuation of the project in the Comprehensive Plan and 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 February 10, 2021.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.95 million gallons per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder's WWTP is located south of the intersection of South Main Street and Delabole Junction Road in the Borough of Pen Argyl, Northampton County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Waltz Creek at River Mile 190.65 - 4.7 - 4.1 - 0.6 (Delaware River - Martins Creek - Waltz Creek - UNT Waltz Creek) via Outfall No. 001, within the drainage area of the Lower Delaware River Special Protection Waters (SPW).

Specific location information has been withheld for security reasons.

- 3. Area Served.** The docket holder's WWTP serves the Borough of Pen Argyl and portions of Plainfield and Washington Townships, all located within Northampton County, Pennsylvania. No expansion of WWTP capacity or service area is proposed.

Previously, under an agreement with the Grand Central Sanitary Landfill (GCSL) located in Plainfield Township, the Pen Argyl Municipal Authority WWTP received pre-treated leachate

from the GCSL Leachate Treatment Plant (LTP). The docket holder indicated in their Application that pre-treated leachate from the GCSL LTP is not presently conveyed to the Pen Argyl Municipal Authority WWTP since currently there is no agreement for the WWTP to receive the pre-treated leachate from the GCSL LTP; however, the docket holder indicated that the agreement may be reinstated in the future.

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. Design Criteria. The docket holder's 0.95 mgd WWTP utilizes a sequencing batch reactor (SBR) treatment process.

5. Facilities. The WWTP facilities consist of influent pumping, a fine screen and vortex-type grit chamber, five (5) SBRs, two (2) post-equalization basins and cascade aeration ultra-violet light (UV) disinfection system. The facility also includes sludge handling facilities in the form of one primary aerobic digester, two (2) secondary aerobic digesters, a centrifuge, and eight (8) reed beds are on standby if needed.

The existing WWTP has a generator installed capable of providing standby power.

The existing WWTP has a remote alarm system installed that continuously monitors plant operations.

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

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

Wasted sludge will continue to be hauled off-site in accordance with the NPDES permit for the facility.

6. Water Withdrawals. The potable water supply in the project service area is provided by the Pennsylvania American Water Company (PAWC) and private domestic wells. The PAWC surface and ground water withdrawals are described in detail within Docket No. D-1981-050 CP RENEWAL, which was approved by the DRBC on December 14, 1988.

7. NPDES Permit / DRBC Effluent Requirements. NPDES Permit No. PA0037052 issued by the PADEP includes final effluent limitations for the project discharge of 0.95 mgd to surface waters classified by the PADEP as supporting Cold Water Fishes (CWF). EFFLUENT TABLE C-1 included in this docket contains effluent requirements for DRBC parameters that must be met as a condition of this approval (See C. DECISION Condition C.1.). Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.95 mgd.

8. Relationship to the Comprehensive Plan. The existing Pen Argyl Municipal Authority WWTP was added to the Comprehensive Plan on July 20, 1966, as described in Docket D-1966-

109 CP-1. An expansion of the WWTP to treat 1.55 mgd was approved on April 23, 1975 via Docket No. D-1975-028 CP-1, but the project was not constructed. Docket No. D-1975-028 CP-1 had no expiration date, but the approval of Docket No. D-1975-028 CP-2 terminated the docket. The approval of this facility was continued in Docket Nos. D-1975-028 CP-3 and D-1975-028 CP-4 approved on July 11, 2012 and June 15, 2016. Issuance of this docket will continue the discharge project in the Comprehensive Plan.

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.95 mgd WWTP.

1. Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters (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.

The docket holder's WWTP discharges to the drainage area to 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 within in the drainage area to the SPW. Since this project does not entail additional construction and expansion of facilities or service area and there are not any new or increased non-point source loads associated with this approval, the NPSPCP requirement is not applicable at this time. Accordingly, Section C. DECISION Condition C.4. has been included in this docket.

The Borough of Pen Argyl is regulated by the PADEP as a Stormwater Phase II municipality and is permitted by PADEP as such. The Borough of Pen Argyl adopted and

implemented a stormwater ordinance in accordance with the PADEP requirements. The PADEP Stormwater Phase II requirements satisfy the NPSPCP requirements of the Commission.

2. Other Findings

At the docket holder's WWTP discharge, the Waltz Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.2 mgd (0.4 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.95 mgd WWTP is 0.2 to 1.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 17 River Miles downstream of the docket holder's WWTP and is operated by City of Easton's Water Treatment Plant.

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

Effective on the approval date for Docket No. D-1975-028 CP-5 below, the project described in Docket No. D-1975-028 CP-4 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1975-028 CP-5; Docket No. D-1975-028 CP-4 is terminated and replaced by Docket No. D-1975-028 CP-5; and the project and the appurtenant facilities described in Section A. DESCRIPTION of this docket shall be continued 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:

Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. 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. 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 C-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (UNT of Waltz Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Dissolved Oxygen	5.0 mg/l (minimum at all times)	As required by NPDES permit
CBOD (5-Day at 20° C)	25 mg/l 85% minimum removal	As required in the NPDES permit
BOD5 (Influent)	Monitor and Report	As required in the NPDES permit
Total Suspended Solids	30 mg/l	As required in the NPDES permit
Total Dissolved Solids	1,000 mg/l*	As required in the NPDES permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2,000 colonies per 100 ml as a geo. avg.	As required in the NPDES permit
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	1.5 mg/l 4.5 mg/l	As required in the NPDES permit
Nitrate-Nitrite as Nitrogen	Monitor and Report	As required by NPDES permit
Total Nitrogen	Monitor and Report	As required by NPDES permit
Total Phosphorus	Monitor and Report	As required by NPDES permit

* See DECISION Condition C.5.

2. 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.

Other Conditions

- 3.** 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.
- 4.** Prior to allowing connections from any new service areas, 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.
- 5.** 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.
- 6.** 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 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.
- 7.** 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.
- 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 Commission's *WQR*.
- 10.** 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.

- 11.** 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.
- 12.** 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.
- 13.** 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).
- 14.** 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.
- 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 CFR 401.43).
- 18.** 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.
- 19.** 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: March 10, 2021

EXPIRATION DATE: October 31, 2026
Expected NPDES Permit Date