

**DOCKET NO. D-1987-026-5**

**DELAWARE RIVER BASIN COMMISSION**

**GenOn REMA, LLC**

**Closed Beagle Club Ash Disposal Site Treated Industrial Wastewater Discharge  
Cumru Township, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on February 25, 2020 (Application), for renewal of the docket holder's existing industrial wastewater treatment plant (IWTP) and its discharge. The discharge is permitted by the Pennsylvania Department of Environmental Protection (PADEP) in National Pollutant Discharge Elimination System (NPDES) Permit No. PA0010782 A-1.

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 Berks County 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 discharge of treated industrial wastewater (coal-ash leachate) and stormwater from the closed Beagle Club Ash Disposal (BCAD) Site. The docket also renews the approval of a total dissolved solids (TDS) determination consisting of an effluent concentration limit of 3,500 mg/l (monthly average) and 7,000 mg/l (daily maximum) for the existing discharge.

**2. Location.** The BCAD is located on the Schuylkill River southwest of the intersection of Route 422 and Route 176 in Cumru Township, Berks County, Pennsylvania. The docket holder will continue to discharge treated ash landfill leachate and stormwater from the ash landfill to Schuylkill River at River Mile 92.47 – 71.3 (Delaware River – Schuylkill River).

Specific location information has been withheld for security reasons.

**3. Area Served.** The project will continue to collect and treat only ash landfill leachate and stormwater from the closed BCAD Site located in Cumru Township, Berks 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. **Design Criteria.** The BCAD site previously accepted ash from the Titus Generating Station’s coal-fired units. The BCAD was formally closed in 2017, but leachate and stormwater discharges will continue during the post closure period. Landfill leachate and stormwater is treated in ponds through a settling treatment process.

5. **Facilities.** The BCAD consists of a closed and capped ash disposal area and two synthetically lined collection ponds. The liners are covered with limestone riprap for protection. Rainfall that falls on the BCAD ash disposal site flows overland and is directed through concrete swales to the Stormwater Pond that has an approximate capacity of 1,930,000 gallons. Leachate from the closed and capped ash landfill is conveyed through buried pipes to a separate 590,000-gallon capacity lined pond (referred to as the Leachate Pond). The Leachate Pond is intermittently batch discharged through Internal Outfall 104 into the Stormwater Pond. The Stormwater Runoff Pond is intermittently batch discharged through Outfall 004 to the Schuylkill River as needed, typically at the same time that the leachate pond is being discharged into the Stormwater Runoff Pond. The ponds are drained zero (0) to three (3) times per month, typically once per month. Outfall No. 004 is currently permitted by the PADEP (via NPDES Permit No. PA0010782) for an effluent discharge rate of 1.3 mgd.

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

No sludge is generated as a result of the current operations.

6. **Water Withdrawals.** There are no water withdrawals associated with this project. The site is unmanned.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0010782 A-1 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water fishes (WWF). EFFLUENT TABLE(S) C-1 & C-2 included in the DECISION section of this docket, contain(s) effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.1.). Effluent requirements for Outfall No. 004 are based on a discharge rate of 1.3 mgd.

8. **Relationship to the Comprehensive Plan.** The existing BCAD Site and associated landfill leachate and stormwater discharge was unnecessarily included in the Comprehensive Plan by Docket No. D-1987-026 CP-3 on May 11, 2011. As the project is privately owned, issuance of this docket will remove the project from the Comprehensive Plan.

## **B. FINDINGS**

The docket holder submitted an application to renew approval of the existing discharge of treated industrial waste (coal-ash leachate) and stormwater from the closed Beagle Club Ash Disposal (BCAD) Site and renew the approval of a total dissolved solids (TDS) determination consisting of an effluent concentration limit of 3,500 mg/l (monthly average) and 7,000 mg/l (daily maximum) for the existing discharge.

## 1. Total Dissolved Solids (TDS) Effluent Limit Determination

The Commission approved a monthly average TDS variance of 3,500 mg/l for Outfall 004 (the BCAD site) on September 26, 2005 via Docket No. 1987-026-2. TDS is generated from the contact with the limestone rip-rap lining of the Leachate and Runoff Ponds. The docket holder requested the continuance of this TDS determination. Section 3.10.4.D.2. of the Commission's Water Quality Regulations (WQR) Effluent Quality Requirements state that TDS shall not exceed 1,000 mg/l, or a concentration established by the Commission which is compatible with designated water uses and stream quality objectives and recognizes the need for reserve capacity to serve future dischargers.

The Commission's Stream Quality Objective Limits for TDS are that as a result of discharges: 1) the receiving stream's resultant TDS concentration shall not exceed 133% of the background and 2) the receiving stream shall not contain substances in concentrations that preclude the specified water uses to be protected (WQR Section 3.10.3.B.1.). As TDS concentrations in excess of 500 mg/l may preclude use of the stream as a drinking water source, TDS concentrations should not exceed 500 mg/l. The 133% of the background TDS requirement is for the protection of aquatic life. The 500 mg/l TDS requirement is to protect the use of the receiving stream as a drinking water source. The EPA's Safe Drinking Water Act's secondary standard for TDS is 500 mg/l.

According to the PADEP, the estimated seven-day low flow with a recurrence interval of ten years ( $Q_{7-10}$  flow) of the Schuylkill River immediately upstream of the Outfall 004 discharge is 212 cfs (137 mgd). During the review of the Docket No. D-1987-026 CP-3, DRBC estimated Schuylkill River in-stream TDS concentration based on available data compiled from two (2) sources: 1) the United States Geological Survey (USGS) National Water Information System (NWIS) and 2) the US EPA's STORET database. Based on the available data, the estimated background TDS concentration in the Schuylkill River upstream of the BCAD discharge is 370 mg/l. 133% of 370 mg/l is 492 mg/l; therefore, the DRBC in-stream requirement of 133% of background remains the more stringent of the Commission's in-stream requirement and 500 mg/l.

Docket No. D-1987-026 CP-3 evaluated TDS concentrations in the Schuylkill River as a result of the BCAD discharge using a flow rate of 1.007 mgd; however, the effluent limits for Outfall No. 004 contained within NPDES Permit No. No. PA0010782, issued on February 23, 2016, were determined using a discharge rate of 1.3 mgd. Based on the estimated background TDS concentration in the Schuylkill River of 370 mg/l, the  $Q_{7-10}$  flow of the Schuylkill River of 137 mgd, the BCAD discharge of 1.3 mgd with an effluent TDS concentration of 3,500 mg/l, the TDS in the Schuylkill River would be raised to 399 mg/l during  $Q_{7-10}$  flows. If there was a discharge from the BCAD under these conditions, the BCAD flow would raise background TDS to 108%.

Although the discharge exceeds DRBC's basin-wide TDS effluent limit of 1,000 mg/l, DRBC staff determined the discharge to be compatible with the Commission's designated water uses and water quality objectives in conformance with DRBC Water Quality Regulations since the in-stream concentrations in the Schuylkill River are not expected to exceed the US EPA's Safe Drinking Water Act's secondary standard for TDS is 500 mg/l nor exceed the Commission's

criteria of 133% of background as a result of the facility discharge. Therefore, the 3,500 mg/l monthly average effluent limit for Outfall 004 approved in Docket No. D-1987-026 CP-3 is continued via this docket.

## 2. Other

At the project site, the Schuylkill River has a seven-day low flow with a recurrence interval of ten years of 137 mgd (212 cfs). The ratio of this low flow to the NPDES-permitted wastewater discharge from the TGS outfall (1.3 mgd) is approximately 100 to 1.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 15 River Miles downstream of the docket holder's discharge and is operated by the Pottstown Water 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 conform with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

## C. DECISION

Effective on the approval date for Docket No. D-1987-026-5 below, the project described in Docket No. D-1987-026 CP-4 is removed from the Comprehensive Plan; Docket No. D-1987-026 CP-4 is terminated and replaced by Docket No. D-1987-026-5. 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.gov](mailto:aemr@drbc.gov) on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. 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**

<b>OUTFALL 004 (Ash landfill leachate and stormwater runoff from ash landfill)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l monthly average 100 mg/l daily maximum	As required by NPDES Permit
Total Dissolved Solids*	3,500 mg/l monthly average 7,000 mg/l daily maximum	As required by NPDES Permit

\* See DECISION Condition C.3.

### **Other Conditions**

2. 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*.

3. 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.

4. 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.

5. 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.

- 6.** 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.
- 7.** The facility and operational records shall be available at all times for inspection by the DRBC.
- 8.** The facility shall be operated at all times to comply with the requirements of the Commission's WQR.
- 9.** 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.
- 10.** 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.
- 11.** 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.
- 12.** 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).
- 13.** 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.
- 14.** 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).
- 15.** 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).
- 16.** 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).

**17.** 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.

**18.** 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:        February 28, 2026**