DOCKET NO. D-2019-004-1

DELAWARE RIVER BASIN COMMISSION

NP New Castle LLC
Schuylkill Mall Wastewater Treatment Plant
New Castle Township, Schuylkill County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on May 28, 2019 (Application) for approval of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0047198 A-1 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on April 25, 2019.

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 February 12, 2020.

A. DESCRIPTION

1. **Purpose**. The purpose of this docket is to renew approval of the docket holder's existing 0.05 million gallon per day (mgd) WWTP and its discharge.

2. **Location**. The docket holder's WWTP is located on Schuylkill Mall Road in New Castle Township, Schuylkill County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Mud Run at River Mile 92.5 - 123.0 - 5.7 - 0.9 - 0.2 (Delaware River - Schuylkill River - Mill Creek - Mud Run - UNT Mud Run).

The WWTP outfall is located in the Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 45' 58"	76° 13' 8"

3. **Area Served**. The docket holder's WWTP will continue to serve the Schuylkill Mall in New Castle Township, Schuylkill 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 docket holder's 0.05 mgd WWTP utilizes an extended aeration / activated sludge treatment system with chlorine contact disinfection.

5. **Facilities**. The WWTP facilities consist of a flow equalization tank, 2 aeration tanks, 2 clarifiers, a chlorine contact tank and a sludge digester.

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

Wasted sludge is hauled off-site by a licensed hauler for disposal at a state approved facility.

6. **Water Withdrawals**. The potable water supply in the project service area is provided by surface water and groundwater withdrawals operated by the Schuylkill County Municipal Authority. The water withdrawals are described in detail in Docket No. 1990-049 CP-4, which was approved on May 6, 2009.

7. **NPDES Permit / DRBC Effluent Requirements**. NPDES Permit No. PA0047198 A-1 was issued by the PADEP on April 25, 2019 and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting cold water fishes (CWF) and migratory fishes (MF). EFFLUENT TABLES C-1 & C2 included in the DECISION section of this docket contain 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. 001 are based on a discharge rate of 0.05 mgd.

B. FINDINGS

The docket holder submitted an application to renew approval of their existing 0.05 mgd WWTP and its discharge.

1. Other

At the WWTP discharge location, the unnamed tributary to Mud Run has an estimated seven-day low flow with a recurrence interval of ten years ($Q_{7\text{-}10}$) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 75 River Miles downstream of the docket holder's WWTP and is operated by the Pottstown Borough 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 *Water Quality Regulations* (*WQR)*.

C. DECISION

Effective on the approval date for Docket No. D-2019-004-1 below, Docket No. D-1978-065-1 is terminated and replaced by Docket No. D-2019-004-1. The project and the appurtenant facilities described in Section A "DESCRIPTION" 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** 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

OUTFALL 001 (UNT Mud Run)		
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
$CBOD_5$ (at 20° C)	25 mg/l	As required by NPDES Permit
Ammonia Nitrogen	Monitor & Report	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	 200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Dissolved Solids	Monitor & Report*	As required by NPDES Permit

* See DECISION Condition C.3.

The following monitoring requirements are for DRBC parameters not listed in the NPDES Permit.

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

OUTFALL 001 (UNT Mud Run)		
PARAMETER	**LIMIT**	**MONITORING**
$CBOD_5$ (at 20° C) Percent Removal	Monitor & Report	Monthly
$CBOD_5$ (at 20° C) Influent	Monitor & Report	Monthly

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 11, 2020**

EXPIRATION DATE: **December 21, 2027**