

DOCKET NO. D-1987-015 CP-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Borough of East Stroudsburg
Wastewater Treatment Plant
East Stroudsburg Borough, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 3, 2020 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The discharge is approved by Pennsylvania Department of Environmental Protection (PADEP) in National Pollutant Discharge Elimination System (NPDES) Permit No. PA0020168.

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 Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 12, 2021.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 2.25 million gallons per day (mgd) WWTP and its discharge.

2. **Location.** The docket holder's WWTP is located on Forge Road in the Borough of East Stroudsburg, Monroe County, Pennsylvania. The WWTP will continue to discharge to Brodhead Creek at River Mile 213.0 – 3.5 (Delaware River – Brodhead Creek) via Outfall No. 001, within the drainage area of the Middle Delaware River Special Protection Waters (SPW).

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's WWTP will continue to serve the Borough of East Stroudsburg and portions of Stroud and Smithfield Townships in Monroe 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 2.25 mgd WWTP features two (2) separate treatment trains utilizing different treatment processes, followed by chlorine contact disinfection and sludge handling. The first treatment train is a 1.25 mgd dual stage trickling filter and the second treatment train is a 1.0 mgd sequencing batch reactor (SBR) plant divided between two (2) tanks.

5. **Facilities.** The existing WWTP facilities consist of a comminutor, a grit screen, and a distribution box for dividing influent flows between the two (2) treatment trains, the SBR treatment train, and the dual stage trickling filter train. The SBR treatment train consists of two (2) 500,000 gallon per day (gpd) SBR units, two (2) chlorine contact tanks, a dechlorination system (added to address NPDES Permit limits), and two (2) aerobic digesters. The trickling filter treatment train consists of two (2) primary settling tanks, a primary trickling filter, a secondary trickling filter, two (2) final settling tanks, a chlorine contact tank, a dechlorination system (added to address NPDES Permit limits), and an anaerobic digester.

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 following:

- a. Borough of East Stroudsburg – the docket holder’s public water supply utilizes groundwater wells and an approved surface water source supported by a reservoir system and diversion which are described in detail within Docket No. D-1992-072 CP-2, which was approved by the DRBC on June 11, 2014. The docket holder also holds a Subsidiary Water Allocation Permit (WA45-1002) to acquire bulk water from the Brodhead Creek Regional Authority (BCRA) water system for a limited time period during the Middle Dam Rehabilitation Project being undertaken by the docket holder. The DRBC has confirmed that this temporary transfer of water is contemplated in the dockets of both water suppliers, and that no further DRBC approvals are required to initiate the temporary transfer.
- b. Stroud Township - public water supply through the Brodhead Creek Regional Authority (BCRA) with water supplied by BCRA sources and purchased from East Stroudsburg Borough through a bulk purchase agreement and authorized by a subsidiary water allocation permit. The BCRA sources were approved by the DRBC in Docket No. D-1991-001 CP-4 on September 13, 2017.
- c. Smithfield Township – a portion of the service area is serviced by the BCRA with water supplied by BCRA sources and purchased from East Stroudsburg Borough through a bulk purchase agreement and authorized by a subsidiary water allocation permit. The remaining portion of the Smithfield service area is supplied by on-site wells.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0020168 was issued by the PADEP and includes final effluent limitations and monitoring requirements for the discharge to surface waters classified by the PADEP as supporting Cold Water Fishes, Trout Stocking Fishes (TSF) and Migratory Fishes (MF). EFFLUENT TABLE C-1 included in Section C. DECISION Condition C.1. of this docket contains effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 001 are based on a discharge rate of 2.25 mgd.

8. **Relationship to the Comprehensive Plan.** The WWTP was added to the Comprehensive Plan via Resolution No. R-62-14 on July 25, 1962 and modified via Docket Nos. D-1987-015 CP-1 and D-1987-015 CP (REV) on March 25, 1987 and October 26, 1988. The approval of this facility was continued in Docket No. D-1987-015 CP-3 approved on March 16, 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 2.25 mgd WWTP. No modifications to the WWTP facilities are proposed.

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 Middle 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 the drainage area to the SPW. The NPSPCP requirement is applicable to this project because the project expands the service area resulting in increased non-point source loads associated with this approval. However, the NPSPCP requirement is satisfied because the municipalities served by the WWTP (East Stroudsburg Borough, Smithfield Township, and Stroud Township) have adopted and implemented a stormwater ordinance in accordance with the Brodhead-McMichael Creek Watershed Act 167 Plan, approved by the PADEP on March 10, 2006.

2. Other Findings

Just downstream of the project discharge location at USGS Gage No. 01442500 (Brodhead Creek at Minisink Hills), the Brodhead Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 33.0 mgd (51.1 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 2.25 mgd WWTP is 15 to 1.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 30 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 conform 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-1987-015 CP-4 below, the project described in Docket No. D-1987-015 CP-3 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1987-015 CP-4; Docket No. D-1987-015 CP-3 is terminated and replaced by Docket No. D-1987-015 CP-4; 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: <https://www.nj.gov/drbc/programs/project/docket-app-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 (Discharge to Brodhead 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 Suspended Solids (Influent)	Monitor and Report	As required in the NPDES permit
Total Dissolved Solids	Monitor and Report*	As required in the NPDES permit
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml as a	As required in the NPDES permit

OUTFALL 001 (Discharge to Brodhead Creek)		
PARAMETER	LIMIT	MONITORING
(10-1 to 4-30)	geo. avg. 2,000 colonies per 100 ml as a geo. avg.	
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	9.5 mg/l 20.0 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 outside of the area set forth in the Area Served Section of this docket, 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) or the Uniform Construction Code as adopted by the Commonwealth of Pennsylvania, whichever is more stringent.
- 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 for wastewater discharges, 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: June 9, 2021

EXPIRATION DATE: February 28, 2029

**Expected NPDES
Permit Date**