

DOCKET NO. D-1994-078 CP-2

DELAWARE RIVER BASIN COMMISSION

**Discharge to a Tributary of Special Protection Waters
New York City Department of Environmental Protection
Margaretville Wastewater Treatment Plant
Town of Middletown, Delaware County, New York**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on February 10, 2021 (Application), for renewal of the Margaretville Wastewater Treatment Plant (WWTP) and its discharge. The discharge is permitted by the New York State Department of Environmental Conservation (NYSDEC) in State Pollutant Discharge Elimination System (SPDES) Permit No. NY0026531.

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 Delaware County Planning Board has been notified of pending action on this docket. A public hearing on this docket was held by the DRBC on May 12, 2021.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is for approval to expand the sewer “Area Served” of the WWTP to include the Hamlet of Halcottsville and to renew approval of the docket holder’s existing 0.4 million gallons per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder’s WWTP is located near the intersection of Routes 28 and 30 in the southwestern corner of the Village of Margaretville, Town of Middletown, Delaware County, New York. The WWTP will continue to discharge treated effluent to the East Branch Delaware River at River Mile 330.7 - 54.75 in Water Quality Zone E., upstream of Pepacton Reservoir and is located in the drainage area to the Upper Delaware 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 Village of Margaretville and the Hamlet of Arkville, all in the Town of Middletown, Delaware County, New York. As described in Section B. FINDINGS, the Hamlet of Halcottsville will also be served by the Margaretville WWTP upon completion of the Halcottsville collection system and associated appurtenances.

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 WWTP is designed for an annual average flow of 0.4 mgd, and a hydraulic design capacity of 1.2 mgd.

5. Facilities. The WWTP facilities include a 1 mgd emergency surge tank, septage receiving facilities, bar screen, grit channel, wet well lift pumps, flow divider and diurnal surge ("EQ") tank, primary settling, rotating biological contactors, secondary settling, granular media filtration, microfiltration, UV disinfection, and reaeration (when needed), solids from primary and secondary settling go to aerobic digestion then on to passive sludge drying beds.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a propane generator installed and capable of powering the entire facility. Stationary backup generators are being provided for each of the new main pump stations in the Halcottsville Service Area. A portable generator will be provided for individual grinder stations.

The docket holder's WWTP is not staffed 24 hours per day and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. 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 SPW requirements.

The project facilities are largely surrounded by the 100-year floodplain, but are flood proofed up to at least the flood protection elevation (one foot above the 100-year flood elevation).

The dried and conditioned sludge is disposed of at the Delaware County Solid Waste Management Center (compost facility) in Walton, NY

6. Water Withdrawals. The potable water supply in the project service area is provided by the Margaretville Water System, the Arkville Water District, and the Halcottsville Water District. The Margaretville Water System and the Arkville Water District water withdrawals are described in Docket Nos. D-1974-157 CP-2 and D-1986-077 CP Renewal 2, respectively.

The Halcottsville Water District water supply operates at a withdrawal rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval.

NYSDEC State Public Water Supply Permit Nos. for the Margaretville Water System, the Arkville Water District, and the Halcottsville Water District are WSA11058, WSA9392 & WSA11499, and WSA10423, respectively.

7. **SPDES Permit / DRBC Effluent Requirements.** SPDES Permit No. NY0026531 issued by the NYSDEC includes final effluent limitations for the discharge to surface waters classified by the NYSDEC as Class A supporting trout (A(T)). EFFLUENT TABLES C-1 & C-2 included in Section C. DECISION Condition C.1. of this docket, contain 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 0.4 mgd.
8. **Relationship to the Comprehensive Plan.** The existing WWTP was added to the Comprehensive Plan by Docket No. D-1994-078 CP-1 on April 26, 1995. Issuance of this docket will renew and continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder submitted an application for approval to expand the sewer “Area Served” of the WWTP to include the Hamlet of Halcottsville.

Pursuant to the January 1997 New York City Watershed Memorandum of Agreement (MOA), the November 2002 EPA Filtration Avoidance Determination (2002 FAD), as amended, and the July 2007 EPA Filtration Avoidance Determination (2007 FAD), New York City (NYC) provided funding for the Community Wastewater Management Program (CWMP), to be administered by the Catskill Watershed Corporation (CWC).

The Community Wastewater Management Program is currently intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts or wastewater treatment plants if community septic systems or septic maintenance districts are not practicable due to site conditions, and there is a demonstrable water quality problem due to failing septic systems for the remaining communities identified in the MOA in the New York City Watershed West of the Hudson (Catskill and Delaware System).

The Hamlet of Halcottsville, Town of Middletown is Identified Community No. 21 among 22 named in the priority list of communities lacking community wide wastewater treatment which was included in the 1997 New York City Watershed Memorandum of Agreement (MOA).

The proposed Halcottsville Community Wastewater Management Program will consist of a large diameter gravity sewer (LDGS) collection system and pumping station that will convey sewage to the NYCDEP Margaretville WWTP via connection to the Arkville Collection System. The proposed LDGS collection system will consist of approximately 3,600 linear feet (l.f.) of 8” PVC gravity sewers, approximately 1,200 l.f. of 2” Force Main (F.M.), approximately 1,100 l.f. of 1.25” F.M., approximately 1,100 l.f. of 4” PVC lateral stubs, approximately 1,300 l.f. of directional drill for railroad, highway and stream crossings, 23 manholes, one (1) main pump station, three (3) collection system pump stations, four (4) individual grinder pump stations, a sewage grinder manhole, a flow metering and air release vault, a terminus valve vault, one storage building and two buried 8,000 gallon wet weather equalization tanks and all

appurtenances. The collection system will serve approximately 53 properties. In addition, the project will consist of approximately 22,000 l.f. of 6" F.M. to convey sewage from the main pump station to the Arkville Collection System.

The project design average wastewater flow is 14,075 gpd which includes a 10% allowance for future growth of the Hamlet of Halcottsville. In addition, to assist the community in providing adequate operation and maintenance of the wastewater treatment system, the Town will enter into an operation and maintenance agreement with the NYCDEP.

1. Special Protection Waters

In 1992, the DRBC adopted 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 and clarity on definitions and terms were updated for the entire program.

The docket holder's WWTP discharges in the drainage area to the Upper Delaware SPW. The docket holder's WWTP discharge is required to comply with certain SPW requirements, as outlined in Article 3.10.3A.2. of the *WQR*. These requirements have been met where applicable.

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. However, submittal of a NPSPCP is not required for projects located above a Major Surface Water Impoundment (Pepacton Reservoir) where time of travel and hydraulic and limnological factors preclude a direct impact on Special Protection Waters. While a NPSPCP is not required in this case, the docket holder did prepare and provide a Stormwater Pollution Prevention Plan for the project.

2. Other

At the docket holder's WWTP discharge, the East Branch Delaware River has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 6.33 mgd (9.8 cfs). The ratio of this low flow to the average design wastewater discharge rate from the 0.4 mgd WWTP is 16 to 1.

The nearest surface water intake of record for public water supply is located on Pepacton Reservoir downstream of the docket holder's WWTP and is operated by New York City.

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 SPDES Permit meet 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-1994-078 CP-2 below, the project described in Docket No. D-1994-078 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1994-078 CP-2; Docket No. D-1994-078 CP-1 is terminated and replaced by Docket No. D-1994-078 CP-2; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be added to and 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.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 SPDES Permit

OUTFALL 001		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
Total Suspended Solids	10 mg/l	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by SPDES Permit
CBOD ₅ (at 20° C)	22 mg/l	As required by SPDES Permit
CBOD ₅ (at 20° C)	Monitor & Report Percent Removal	As required by SPDES Permit
CBOD ₅ (at 20° C) Influent	Monitor & Report	As required by SPDES Permit
Nitrogen, Ammonia (as NH ₃)	16.9 mg/l	As required by SPDES Permit
Phosphorus	0.5 mg/l	As required by SPDES Permit
Coliform, Fecal	200 colonies / 100 ml 30-day geometric mean	As required by SPDES Permit
Coliform, Fecal	400 colonies / 100 ml 7-day geometric mean	As required by SPDES Permit
Temperature	Monitor and Report	As required by SPDES Permit

The following monitoring requirements and average monthly effluent limits are for DRBC parameters not listed in the NPDES Permit.

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

OUTFALL 001		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	One Per Quarter

* See DECISION Condition C.6.

Other Conditions

2. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams.
3. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's WQR, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.
4. 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. except within an assigned heat dissipation area consisting of the maximum of half the stream width and 100 feet downstream of the discharge.
5. 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*.
6. 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.
7. 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.

- 8.** 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.
- 9.** 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.
- 10.** The facility and operational records shall be available at all times for inspection by the DRBC.
- 11.** The facility shall be operated at all times to comply with the requirements of the Commission's WQR.
- 12.** 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.
- 13.** 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.
- 14.** 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.
- 15.** 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).
- 16.** 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.
- 17.** 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).
- 18.** 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).

19. 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).

20. 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.

21. 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: May 31, 2025