

DOCKET NO. D-2012-018-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Union Lake Hotel, Inc. t/a Camp Equinunk & Blue Ridge
Camp Equinunk Wastewater Treatment Plant
Manchester Township, Wayne County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on February 17, 2012 (Application), for renewal of the docket holder's existing Camp Equinunk wastewater treatment plant (WWTP) and its discharge, as well as approval to modify the WWTP without expanding its hydraulic capacity. The discharge is permitted by the Pennsylvania Department of Environmental Protection (PADEP) in National Pollutant Discharge Elimination System (NPDES) PA0043362. Water Quality Management (WQM) Permit No. 6415404 was issued by the PADEP on August 4, 2015 for the proposed modifications. The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Wayne County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 12, 2012.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.06 million gallons per day (mgd) WWTP and its discharge. This docket also approves the installation of septic tanks to replace the existing comminutor. This modification will not result in a change to the hydraulic capacity of the WWTP.
- 2. Location.** The docket holder's WWTP is located at 788 Legends Path in Manchester Township, Wayne County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Little Equinunk Creek at River Mile 312.7 – 3.64 – 2.37 (Delaware River – Little Equinunk Creek – UNT) via Outfall No. 001, within 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 Camp Equinunk and Blue Ridge located in Manchester Township in Wayne 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 0.06 mgd WWTP utilizes an ultraviolet (UV) disinfection treatment process.

5. **Facilities.** The existing WWTP consists of a comminutor, a manual bar screen, a primary settling tank, an aeration tank, a secondary clarifier, a sludge holding tank, a post aeration tank, and ultraviolet (UV) disinfection.

The modified WWTP will consist of a dual compartment septic tank, a manual bar screen, a primary settling tank, an aeration tank, a secondary clarifier, a sludge holding tank, a post aeration tank, and UV disinfection.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a generator installed capable of providing standby power.

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 not located in the 100-year floodplain.

Wasted sludge will continue to be handled in accordance with NPDES Permit No PA0043362.

6. **Water withdrawals.** The potable water supply in the project service area is provided by the docket holder's system. The docket holder's withdrawal is operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0043362 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting high quality cold water fishes (HQ-CWF). 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 0.06 mgd.

B. FINDINGS

The docket holder submitted an application to renew approval of their existing 0.06 mgd WWTP and its discharge.

This docket also approves the installation of septic tanks to replace the existing comminutor. This modification will not result in a change to the hydraulic capacity of the WWTP.

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. (Upper/Middle SPW)

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. (Upper/Middle SPW)

The docket holder's WWTP discharges to the drainage area to the Upper 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 in the drainage area to the SPW. Since this project does entail additional construction and/or expansion of facilities and service area and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time. Accordingly, Section C. DECISION Condition C.4. has been included in this docket.

2. **Other**

At the WWTP discharge location, the unnamed tributary at Little Equinunk Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) 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 Delaware River approximately 124.7 River Miles downstream of the docket holder's WWTP and is operated by the City of Easton.

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-2012-018-3 below, Docket No. D-2012-018-2 is terminated and replaced by Docket No. D-2012-018-3. 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 NPDES Permit

| OUTFALL 001 (WWTP) | | |
|---|---|-----------------------------|
| 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 |
| Dissolved Oxygen | 7.0 mg/l (minimum at all times) | As required by NPDES Permit |
| CBOD ₅ (at 20° C) | 10 mg/l | As required by NPDES Permit |
| CBOD ₅ (at 20° C) Influent | Monitor & Report | As required by NPDES Permit |
| Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30) | 2.4 mg/l 7.2 mg/l | 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 |
| Phosphorus | Monitor & Report | As required by NPDES Permit |
| Nitrate as N or Nitrate + Nitrite as N | Monitor & Report | As required by NPDES Permit |
| Total Dissolved Solids* | 1,000 mg/l * | As required by NPDES Permit |
| Total Nitrogen or Total Kjeldahl Nitrogen | Monitor & Report | As required by NPDES Permit |

* See Section C. DECISION Condition C.10.

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 (WWTP) | | |
|------------------------------|---------------------|-------------------|
| PARAMETER | LIMIT | MONITORING |
| CBOD ₅ (at 20° C) | 85% minimum removal | Monthly |

2. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date. Within 30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

3. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

4. Prior to project construction, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e. of the Commission’s WQR.

Other Conditions

5. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

6. The WWTP modifications shall be completed prior to the date of docket expiration (December 31, 2028) or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed prior to docket expiration and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the modifications to the existing WWTP shall expire. If the docket expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

7. Prior to allowing connections from any new service areas or any new developments, 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.

8. 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.

9. 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*.

10. 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.

11. 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.

12. 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.

- 13.** 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.
- 14.** The facility and operational records shall be available at all times for inspection by the DRBC.
- 15.** The facility shall be operated at all times to comply with the requirements of the Commission's WQR.
- 16.** 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.
- 17.** 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.
- 18.** 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.
- 19.** 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).
- 20.** 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.
- 21.** 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).
- 22.** 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).
- 23.** 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).

24. 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.

25. 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: December 31, 2028