

**DOCKET NO. D-2001-054-3**

**DELAWARE RIVER BASIN COMMISSION**

**Aqua Pennsylvania Wastewater, Inc.  
Little Washington Wastewater Treatment Plant  
East Brandywine Township, Chester County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by East Latitude, LLC on behalf of Aqua Pennsylvania Wastewater, Inc. (Aqua PA or docket holder) on August 1, 2016 (Application), for renewal of the existing Culbertson Run WWTP wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050458 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on June 7, 2013, effective July 1, 2013. The PADEP issued Water Quality Management (WQM) Permit No. 1596401-T2 to Aqua PA on April 29, 2014.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 16, 2017.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.145 million gallons per day (mgd) Little Washington WWTP (previously referred to as Little Washington Culbertson Run WWTP) and its discharges to subsurface disposal beds and surface waters.

2. **Location.** The WWTP discharge will continue to discharge 0.0531 mgd of treated effluent to Culbertson Run at River Mile 70.7 – 1.8 – 20.0 – 14.2 – 2.3 (Delaware River – Christina River – Brandywine Creek – East Branch Brandywine Creek – Culbertson Run) via Outfall No. 001, in the drainage area to Water Quality Zone C7, in East Brandywine Township, Chester County, Pennsylvania as follows:

| <b>OUTFALL NO.</b> | <b>LATITUDE (N)</b> | <b>LONGITUDE (W)</b> |
|--------------------|---------------------|----------------------|
| 001                | 40° 2' 51"          | 75° 46' 30"          |

3. **Area Served.** The docket holder's WWTP will continue to serve the residential subdivision developments of Hedgegrow Culbertson Run, Pinebrook Village, Hopewell, Guthriesville Village and Timberlake located in East Brandywine Township, Chester 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. Physical Features.

a. **Design Criteria.** The docket holder's Little Washington WWTP has an average annual design flow of 0.145 mgd and a hydraulic design capacity of 0.155 mgd (per PADEP WQM Permit No. 1596401-T2). The WWTP will continue to discharge 0.0621 mgd to the on-site subsurface disposal beds located adjacent to the WWTP (Little Washington Beds), combined with discharge to the subsurface disposal beds located at the Timberlake Development. Additionally, the WWTP will continue to discharge 0.0396 mgd to the subsurface disposal beds located at Hideaway Farm. Any effluent in exceedance of the capacity of the subsurface beds will continue to be discharged to the Culbertson Run surface waters. The docket holder's existing 0.145 mgd WWTP will continue to utilize an activated sludge treatment process with ultraviolet (UV) disinfection. No modifications to the WWTP are proposed.

b. **Facilities.** The WWTP consists of a screening device, a communitor, a two-chamber equalization tank, five Modified Ludzak-Etinger (MLE) activated sludge process trains, each consisting of an anoxic/oxic tank and a clarifier. The WWTP also consists of two final plate settler systems, two rapid sand filters, an activated sludge holding tank, two UV disinfection tanks, two effluent pump stations. Treated effluent flows to three separate areas of subsurface disposal beds and stream discharge to Culbertson Run.

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

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a state approved facility.

c. **Water withdrawals.** The potable water supply in the project service area is provided by Aqua Pennsylvania, Inc. The water withdrawal from the Delaware River is described in detail in Docket No. D-2003-033 CP-2, which was approved on September 14, 2016.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0050458 was issued by the PADEP on June 7, 2013 (effective July 1, 2013) and includes final effluent limitations for the project discharge of 0.0531 mgd to surface waters classified by the PADEP as High Quality-Trout Stocking, Migratory Fisheries (HQ-TSF, MF). 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 A-1: DRBC Parameters Included in NPDES Permit**

| <b>OUTFALL 001 (Discharge to Culbertson Run)</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                           | 20 mg/l             | As required by NPDES Permit |
| CBOD <sub>5</sub> (at 20° C) (5-1 to 10-31)      | 6.6 mg/l            | As required by NPDES Permit |

| OUTFALL 001 (Discharge to Culbertson Run)         |  |                             |
|---|--|-----------------------------|
| PARAMETER   | LIMIT                                  | MONITORING                  |
| (11-1 to 4-30)                                    | 13.2 mg/l                              |                             |
| Ammonia Nitrogen (5-1 to 10-31)<br>(11-1 to 4-30) | 2.0 mg/l<br>6.0 mg/l                   | As required by NPDES Permit |
| Fecal Coliform                                    | 200 colonies per 100 ml as a geo. avg. | As required by NPDES Permit |

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit but are Commission basin-wide parameters that must be met as a condition of this docket approval. Commission staff has requested PADEP include these parameters in their Permit.

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

| OUTFALL 001 (Discharge to Culbertson Run) |                  |               |
|---|------------------|---------------|
| PARAMETER                                 | LIMIT            | MONITORING    |
| Total Dissolved Solids*                   | Monitor & Report | Quarterly*    |
| CBOD <sub>5</sub> (at 20° C) Influent     | Monitor & Report | Two per month |

\*See DECISION Condition C.II.s.

e. **WQM Permit / DRBC Docket.** WQM Permit No. 1596401-T2 was issued by the PADEP on April 29, 2014, and includes final effluent limitations for the project discharge of 0.0621 mgd to the subsurface disposal beds located adjacent to the Little Washington WWTP and the subsurface disposal beds located at Timberlake Development. The following average monthly effluent limits are among those listed in the WQM Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-3: DRBC Parameters Included in WQM Permit**

| Sub-Surface Disposal Beds (Discharge to Timberlake Beds and Little Washington WWTP Beds) |  |                             |
|--|--|-----------------------------|
| PARAMETER  | LIMIT                                  | MONITORING                  |
| pH (Standard Units)  | 6 to 9 at all times                    | As required by NPDES Permit |
| Total Suspended Solids   | 10 mg/l                                | As required by NPDES Permit |
| CBOD <sub>5</sub> (at 20° C)   | 10 mg/l                                | As required by NPDES Permit |
| Fecal Coliform   | 200 colonies per 100 ml as a geo. avg. | As required by NPDES Permit |

WQM Permit No. 1504407 was issued by the PADEP to East Brandywine Township Municipal Authority on April 29, 2014, and includes final effluent limitations for the project discharge of 0.0396 mgd to the Hideaway Farm subsurface disposal beds. The following average monthly effluent limits are among those listed in the WQM Permit No. 1504407 and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-4: DRBC Parameters Included in WQM Permit**

| Sub-Surface Disposal Beds (Discharge to Hideaway Farm Subdivision Beds) |                         |                             |
|---|-------------------------|-----------------------------|
| PARAMETER   | LIMIT                   | MONITORING                  |
| pH (Standard Units)   | 6.5 to 8.5 at all times | As required by NPDES Permit |
| Total Suspended Solids  | 10 mg/l                 | As required by NPDES Permit |

| Sub-Surface Disposal Beds (Discharge to Hideaway Farm Subdivision Beds) |                                       |                             |
|---|---------------------------------------|-----------------------------|
| PARAMETER   | LIMIT                                 | MONITORING                  |
| CBOD <sub>5</sub> (at 20° C)  | 10 mg/l                               | As required by NPDES Permit |
| Fecal Coliform  | 50 colonies per 100 ml as a geo. avg. | As required by NPDES Permit |

- f. **Cost.** There are no construction costs associated with this WWTP renewal.

## B. **FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing 0.145 million gallons per day (mgd) Little Washington WWTP (also referred to as Culbertson Run WWTP) and its land discharge to three separate areas for subsurface disposal beds and the facility's surface water discharge to the Culbertson Run.

At the WWTP discharge location, Culbertson Run has an estimated seven-day low flow with a recurrence interval of ten years (Q<sub>7-10</sub>) 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 East Branch Brandywine Creek approximately 7 River Miles downstream of the docket holder's WWTP and is operated by Downingtown Municipal 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 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

I. Effective on the approval date for Docket No. D-2001-054-3. Docket No. D-2001-054-2 is terminated and replaced by Docket No. D-2001-054-3.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit and WQM Permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR* and Flood Plain Regulations (*FPR*).

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email [aemr@drbc.state.nj.us](mailto:aemr@drbc.state.nj.us) on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/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.

e. 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*.

f. 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.

g. 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.

h. The docket holder is permitted to treat and discharge wastewaters 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.

i. 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.

j. 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).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. 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.

m. 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.

n. 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).

o. 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).

p. 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).

q. 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.

r. 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.

s. 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.

t. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

u. 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.

v. The docket holder owes a remaining balance of \$2,000 for this docket renewal. The balance shall be paid within sixty (60) days of issuance of this docket (by November 12, 2017) or fees may be assessed in accordance with the Commission’s Penalty Matrix.

**BY THE COMMISSION**

**DATE APPROVED: September 13, 2017**

**EXPIRATION DATE: June 30, 2023**