

DOCKET NO. D-2007-006-4

DELAWARE RIVER BASIN COMMISSION

**Refresco North America
Industrial Wastewater Treatment Plant
Concord Township, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on September 22, 2023 (Application), for renewal of the docket holder’s existing industrial wastewater treatment plant (IWTP) and its discharge. The Pennsylvania Department of Environmental Protection issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050431 A-1 for this discharge.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 8, 2024.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder’s existing 0.08 million gallon per day (mgd) IWTP and its discharge. In addition, this docket approves a modification to the docket holder’s facility of the addition of a closed-circuit reverse osmosis treatment unit that eliminates the discharge of reject water from the existing reverse osmosis treatment units.

2. Location. The docket holder’s IWTP is located at the intersection of Conchester Road and Alden Avenue in Concord Township, Delaware County, Pennsylvania. The IWTP will continue to discharge treated effluent to an unnamed tributary to West Branch Chester Creek, at River Mile 82.93 - 8.37 - 6.30 - 0.1 (Delaware River - Chester Creek - West Branch Chester Creek – UNT West Branch Chester Creek).

The location of the IWTP outfall in the Chester Creek Watershed is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 53’ 28”	75° 31’ 50”

3. Area Served. The IWTP will continue to serve the docket holder’s beverage production facility in Concord Township, Delaware County, Pennsylvania. For the purpose of defining the Area Served, the Type of Discharge and the Service Area sections from the docket holder’s Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. DECISION of this docket.

4. Design Criteria. Refresco is a beverage filling and manufacturing operation, producing standard carbonated and non-carbonated products. To facilitate this process, Refresco uses liquid filling machines and operates a batch preparation area. Wastewater is generated by the standard process of rinsing water in between product changes, including syrup tanks and product tank rinses, equipment and tank clean-in-place processes, and floor cleaning. The wastewater flows to the onsite IWTP.

Municipal water from the Chester Water Authority is treated by two (2) reverse osmosis (RO) units for use as process water. RO concentrate from these units is treated in a closed-circuit reverse osmosis (CCRO) unit. The CCRO process recovers water that would be discharged for use in the process, thereby reducing the amount of water purchased from the Chester Water Authority and essentially eliminating the RO concentrate discharge at Outfall 001. Specifically, the permeate from the CCRO treatment process is returned to the RO units for reuse, and CCRO concentrate is stored in an onsite tank. This tank is emptied as necessary, and the contents are hauled to DELCORA for off-site disposal. Cleaning waste from the CCRO process used to treat water used in the facility process lines is routed to the IWTP for treatment.

No changes are proposed for the IWTP. Wastewater is collected and pumped through screens to the dissolved air flotation (DAF) unit with pH adjustment. DAF effluent flows to an equalization tank and is fed at a constant rate to the aeration tank. Mixed liquor is passed through membranes prior to discharge, which is monitored at MP-101. Sludge is aerated and transported off-site for disposal. Non-contact cooling water for the AMBEC Unit (Line No. 1) is diverted from the IWTP and discharged to Outfall 001. In addition, treated IWTP effluent and stormwater runoff from the site is discharged to Outfall 001.

The IWTP is designed and permitted by the PADEP to treat an average annual flow of 0.07 mgd and is hydraulically designed to treat a flow up to 0.08 mgd. IWTP effluent will continue to be monitored at existing Monitoring Point No. 101 (MP 101). As described above, concentrate from the CCRO is stored onsite for off-site disposal. However, in case the CCRO unit is not functioning, the RO concentrate can be directed directly to and discharged from Outfall 001. When this occurs, the RO reject water is monitored at Monitoring Point 201 (MP 201) prior to combining with the IWTP effluent.

5. Facilities. The existing IWTP treatment process features a duplex raw water station with a pump removal system, an equalization tank, an aeration tank, a dissolved air flotation unit, an MBR system, and a sludge holding tank. The IWTP treatment process will not be modified.

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

Wasted sludge will continue to be hauled off-site for disposal in accordance with the NPDES Permit No. PA0050431 A-1.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the Chester Water Authority, as described in detail in Docket No. D-69-60 CP, which was approved by the DRBC on May 28, 1969, and amended by Docket No. D-84-55 CP, approved on August 2, 1989.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0050431 A-1 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting trout stocking (TSF) and migratory fishes (MF). EFFLUENT TABLES C-1 through C-4 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, Monitoring Point MP101 and Monitoring Point MP201 are based on discharge rates of 0.364 mgd, 0.07 mgd and 0.288 mgd, respectively.

B. FINDINGS

The docket holder applied to renew approval of their existing 0.08 mgd IWTP and its discharge.

At the IWTP discharge location, the unnamed tributary to West Branch Chester 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 Chester Creek approximately 8 River Miles downstream of the docket holder's IWTP and is operated by Aqua Pennsylvania.

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-2007-006-4 below, the project described in Docket No. D-2007-006-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2007-006-4; Docket No. D-2007-006-3 is terminated and replaced by Docket No. D-2007-006-4; and the project and the appurtenant facilities described in Section A “DESCRIPTION” of this docket shall be included 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 NPDES Permit

OUTFALL 001 (IWTP Effluent, NCCW, Stormwater and RO Reject Water)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Temperature	110 ° F (Max)	As required by NPDES Permit
Total Dissolved Solids *	1000 mg/l	As required by NPDES Permit

* See DECISION Condition C.3.

EFFLUENT TABLE C-2: DRBC Parameters Included in NPDES Permit

MONITORING POINT MP101 (IWTP Effluent)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C)	20 mg/l	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit

MONITORING POINT MP101 (IWTP Effluent)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2 mg/l 6 mg/l	As required by NPDES Permit

EFFLUENT TABLE C-3: DRBC Parameters Included in NPDES Permit

MONITORING POINT MP201 (RO Reject Water and NCCW)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C)	10 mg/l	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2 mg/l 6 mg/l	As required by NPDES Permit

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

EFFLUENT TABLE C-4: DRBC Parameters Not Included in NPDES Permit

MONITORING POINT MP101 (IWTP Effluent)		
PARAMETER	LIMIT	MONITORING
CBOD ₅ (at 20° C) Influent*	Monitor & Report	Monthly
Color	Monitor & Report	Monthly

* Influent sample to be collected from pump station prior to any treatment.

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 in writing, for approval from the Executive Director for 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. Section 2.3.10 of the Commission's *Rules of Practice and Procedure (RPP)* (18 C.F.R. 401.41), limiting the Commission's approval to three years in the absence of an expenditure of substantial funds by the project sponsor in reliance on the approval, is hereby waived for good cause shown in accordance with Section 2.9.3 (18 C.F.R. 401.123) of the same regulations. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.
5. 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 C.F.R. 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 DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If 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 pending the grant or denial of the application for docket approval.
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 the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section. Any expansion beyond that included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the Compact.
7. In accordance with the Commission's regulations at 18 C.F.R. Part 440, the docket holder is prohibited from discharging wastewater from high volume hydraulic fracturing ("HVHF") or HVHF-related activities to waters or land within the Basin. The docket holder is further prohibited from discharging hydraulic fracturing wastewater, whether treated or untreated, from sources within or outside the Basin, without obtaining the Commission's prior review and express approval in the form of a revised docket. Violation of this or any condition of this docket approval may result in enforcement, including the risk of financial penalties, pursuant to Section 14.17 of the Delaware River Basin Compact and Section 2.7.8 (18 CFR 401.98) of the Commission's Rules of Practice and Procedure.
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).
- 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, 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, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 C.F.R. 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 C.F.R. 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 C.F.R. 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 (RPP)*. 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 5, 2024

EXPIRATION DATE: July 31, 2029