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7/10/2024 9:58 AM

DOCKET NO. D-1986-070 CP-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Borough of Dublin

Wastewater Treatment Plant

Bedminster Township, Bucks County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on August 21, 2023 (Application), by CKS Engineers, Inc. on behalf of the docket holder, for approval to re-rate the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0021741 A-1 for this discharge.

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 Bucks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 7, 2024.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve a re-rate of the docket holder's existing 0.5 million gallons per day (mgd) WWTP and its discharge. The proposed re-rate will increase the WWTP discharge to 0.75 mgd.

2. **Location.** The docket holder's WWTP is located at Stone Bridge Road in Bedminster Township, Bucks County, Pennsylvania. The WWTP will continue to discharge treated effluent to Deep Run Creek at River Mile 157.0 – 6.2 – 5.4 (Delaware River – Tohickon Creek – Deep Run Creek) and is located in the drainage area to the Lower Delaware Special Protection Waters (SPW).

The location of the WWTP outfall in the Tohickon Creek Watershed is as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|--------------------|---------------------|----------------------|
| 001 | 40° 23' 32" | 75° 11' 24" |

3. **Area Served.** The docket holder's WWTP will continue to serve Borough of Dublin located in Bucks 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.** The docket holder's WWTP utilizes an activated sludge treatment process with chlorine disinfection. There are no proposed changes to the WWTP treatment process.

5. **Facilities.** The WWTP facilities consist of an influent pump station, a comminutor, an aerated collection tank, an aerated equalization pond, a pond pump station, two treatment trains each consisting of an aeration compartment, clarifier tank, and filtration system. The sludge handling facilities consist of a sludge return pump, two aerobic digesters, polymer feed equipment, and two vacuum assisted sludge drying beds. The disinfection facilities consist of a chlorine contact tank, post aeration and de-chlorination system.

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.

Several of the WWTP facilities are located in the 100-year floodplain. The docket holder indicated in the application that the WWTP facilities located in the floodplain are not located in the floodway and any future construction to the facilities will require structures to be flood-proofed up to one foot above the 100-year flood elevation.

Wasted sludge will continue to be hauled off-site for disposal in accordance with the NPDES Permit No. PA0021741 A-1.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the docket holder's distribution system. The docket holder's water withdrawal is described in detail in Docket No. D-2000-011 CP-2 which was approved on July 13, 2011.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0021741 A-1 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting migratory fishes (MF) and warm water fishes (WWF). 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 0.75 mgd.

8. Relationship to the Comprehensive Plan. The existing WWTP was added to the Comprehensive Plan by Docket No. D-1965-073 CP on September 13, 1965. The WWTP approval was renewed and/or modified by Docket Nos. D-1986-070 CP, D-1986-070 CP-2, and D-1986-070 CP-3, on June 24, 1987, June 10, 2015, and November 13, 2019, respectively. Issuance of this docket will continue the WWTP and its discharge in the Comprehensive Plan.

B. FINDINGS

The docket holder applied to renew the existing Borough of Dublin WWTP discharge and to approve the proposed increase in the facility's average discharge from 0.50 mgd to 0.75 mgd.

1. Special Protection Waters

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (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 Lower 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.

As noted above in A.3. the docket holder's area served is located entirely in Dublin Borough. This municipality has enacted and is actively implementing a non-point source/stormwater control ordinance adopting the Tohickon Creek Watershed Act 167 Stormwater Management Plan. Compliance with the Tohickon Creek Watershed Act 167 Stormwater Management Plan, approved by the PADEP on January 16, 2022, and the Borough of Portland Ordinance No. 252, enacted May 24, 2004, generally meet the requirements of Article 3.10.3.A.2.e.1 of the Commission's *Water Quality Regulations* for the Area Served as described in A.3. above within the Borough of Dublin. Prior to allowing connections from any new service areas or any new developments not in compliance with these Ordinances the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e.

2. Other

At the WWTP discharge location, Deep Run 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 12 River Miles downstream of the docket holder's WWTP and is operated by North Penn & North Wales 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 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-1986-070 CP-4 below, the project described in Docket No. D-1986-070 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1986-070 CP-4; Docket No. D-1986-070 CP-3 is terminated and replaced by Docket No. D-1986-070 CP-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 (Discharging to Deep Run Creek) | | |
|---|--|-----------------------------|
| 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 | 6.0 mg/l (minimum at all times) | As required by NPDES Permit |
| CBOD ₅ (at 20° C) (5-1 to 10-31) (11-1 to 4-30) | 20 mg/l (85% minimum removal) 25 mg/l (85% minimum removal) | 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) | 1.3 mg/l 3.9 mg/l | As required by NPDES Permit |
| Fecal Coliform | 200 colonies per 100 ml as a geo. avg. | As required by NPDES Permit |
| Phosphorus | 1.0 mg/l | As required by NPDES Permit |
| Total Nitrogen | Monitor & Report | 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-2: DRBC Parameters Not Included in NPDES Permit

| OUTFALL 001 (Discharging to Deep Run Creek) | | |
|--|------------------|-------------------|
| PARAMETER | LIMIT | MONITORING |
| Total Dissolved Solids* | 1,000 mg/l * | Quarterly |
| Nitrate as N | Monitor & Report | Monthly |

* See DECISION Condition C.5

Other Conditions

2. Prior to allowing connections from any new service areas or any new developments not in compliance with the Ordinances described in Section B.1. above, the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e.

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. 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*.

5. The docket holder may request permission from the Executive Director to perform specific conductance monitoring in lieu of TDS monitoring. The request shall be made in writing and shall include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow specific conductance monitoring in lieu of TDS monitoring.

6. 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.

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 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.

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 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*.

9. 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.

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, 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 (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:

EXPIRATION DATE: November 30, 2029

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