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DOCKET NO. D-1989-039 CP-5

DELAWARE RIVER BASIN COMMISSION

**Borough of Kutztown
Wastewater Treatment Plant
Maxatawny Township, Berks County Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on July 21, 2023 (Application), for renewal of 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. PA0031135 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 Berks 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

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 1.5 million gallons per day (mgd) WWTP and its discharge.
- Location.** The docket holder's WWTP is located at Krumsville Road at the northern boundary of Kutztown Borough in Maxatawny Township, Berks County, Pennsylvania. The WWTP will continue to discharge treated effluent to Sacony Creek, upstream of Lake Ontelaunee, at River Mile 92.5 – 86.2 – 2.9 – 5.4 – 2.1 – 7.1 (Delaware River – Schuylkill River – Maiden Creek – Lake Ontelaunee – Maiden Creek – Sacony Creek).

The location of the WWTP outfall in the Schuylkill River Watershed is as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 31' 40"	75° 47' 2"

3. **Area Served.** The docket holder's WWTP will continue to serve Kutztown Borough and Kutztown University located in Berks County, Pennsylvania. The WWTP also diverts portions of influent for Maxatawny Township, in Berks County, through an influent pump station where equal amounts of influent and effluent are diverted to the Maxatawny Township Municipal Authority WWTP (Docket No. D-2007-001 CP-3). 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 1.5 mgd WWTP utilizes a high-rate trickling filter treatment process with ultraviolet (UV) light disinfection.

5. **Facilities.** The WWTP facilities consist of an influent pumping system; grit removal chamber with fine screening; four primary sedimentation units; two high-rate trickling filters with recirculation pumping; two intermediate settling tanks with pumps; a biotower/biofiltration system for nitrification with pump station; a chemical feed building containing two chemical storage tanks with pumps to a rapid mix flocculation tank; two final sedimentation units; two UV disinfection units. Sludge handling operations at the WWTP consist of an egg-shaped anaerobic digester, a sludge holding tank, and three sludge dewatering reed beds.

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 are flood proofed up to the flood protection elevation (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. PA0031135.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by groundwater wells owned and operated by the docket holder. The docket holder's water withdrawal is described in detail in Docket No. D-1983-023 CP-4, which was approved on June 14, 2017.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0031135 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 TABLE C-1 included in Section C. DECISION condition C.1. of this docket, contains 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 1.5 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was included in the Comprehensive Plan by Docket No. D-1972-135 CP on June 26, 1972. The WWTP approval

was renewed and modified by the Dockets listed below. Issuance of this docket will continue the WWTP and its discharge in the Comprehensive Plan.

DOCKET NO.	DOCKET DESCRIPTION	APPROVAL DATE
D-1989-039 CP	Upgrade to Treatment	September 27, 1989
D-1989-039 CP-2	Upgrade to Disinfection and Treatment	September 21, 2011
D-1989-039 CP-3	Renewal of Upgrade	December 4, 2013
D-1989-039 CP-4	Renewal	September 11, 2019

B. FINDINGS

The docket holder applied to renew approval of their existing 1.5 mgd WWTP and its discharge.

At the docket holder's WWTP discharge, the Sacony Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 2.46 mgd (4.57 cfs). The ratio of this low flow to the hydraulic design wastewater discharge rate from the 1.5 mgd WWTP is 1.6 to 1 (2.46 mgd/1.5 mgd).

The nearest surface water intake of record for public water supply is located on Maiden Creek approximately 14 River Miles downstream of the docket holder's WWTP and is operated by Reading Regional 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-1989-039 CP-5 below, the project described in Docket No. D-1989-039 CP-4 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1989-039 CP-5; Docket No. D-1989-039 CP-4 is terminated and replaced by Docket No. D-1989-039 CP-5; 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 TABLE 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 Sacony 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
CBOD ₅ (at 20° C) (5-1 to 10-31) (11-1 to 4-30)	14.5 mg/l (85% Minimum Removal) 25 mg/l (85% Minimum Removal)	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.2 mg/l 10.8 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
BOD ₅ Influent	Monitor & Report	As required by NPDES Permit
Total Dissolved Solids*	1,000 mg/l *	As required by NPDES Permit

* See DECISION Condition C.4.

Other Conditions

2. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams.
3. 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*.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. The facility and operational records shall be available at all times for inspection by the DRBC.
10. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

11. 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.
12. 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.
13. 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.
14. 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).
15. 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.
16. 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).
17. 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).
18. 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).
19. 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.
20. 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: December 31, 2029

DRAFT