

DOCKET NO. D-1988-043-7

DELAWARE RIVER BASIN COMMISSION

**Giorgio Foods, Inc.
Industrial Wastewater Treatment Plant
Maidencreek 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 August 2, 2021 (Application), for the existing industrial wastewater treatment plant (IWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0053091 for this discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP).

The application was reviewed for 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 11, 2022.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder’s existing 0.50 million gallons per day (mgd) IWTP and its discharge.
- Location.** The docket holder’s IWTP is located at Park Road in Maidencreek Township, Berks County, Pennsylvania. The IWTP will continue to discharge treated effluent to Willow Creek, at River Mile 92.5 – 86.7 – 0.6 – 2.4 (Delaware River – Schuylkill River– Maiden Creek –Willow Creek) via Outfall No. 001.

The IWTP outfall is located in the Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 26’ 23”	75° 54’21”

3. **Area Served.** The docket holder's IWTP will continue to serve the Giorgio Foods canning and frozen foods processing facility, including domestic and process wastewater generated at the facility where vegetables are cleaned, cooked and packaged for distribution. The docket holder has proposed to increase its service area to include the 'Titan C Growing Facility', adjacent to the docket holder's existing mushroom process facility. The facility is located in Maidencreek Township in Berks 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 0.5 mgd IWTP utilizes an activated sludge treatment process to provide secondary biological treatment to treat on-site domestic and process wastewater, including cooling tower blowdown. The treatment processes are supplemented with sand filtration and disinfection via ultraviolet (UV) system.

The docket holder has proposed to a new mushroom growing facility adjacent to the existing to facility for additional growing space, the new facility will create an additional 3,620 gallons per day (gpd) or 0.00362 mgd of process and domestic wastewater. On-site construction will connect the new flow to the existing facility, there are no proposed modifications to the IWTP at this time. The facility currently has the existing capacity to treat this increase in flow.

5. **Facilities.** Existing facilities include a splitter box, a raw water pump station, a mechanically cleaned fine screen with a bypass manually cleaned bar screen, two 60,000- gallon anaerobic tanks, a 2.7 million gallon capacity aeration basin with a Biolac floating aeration chain system, two 60-foot diameter secondary clarifiers, a Chemsan, cloth filters, a belt filter press sludge dewatering facility, a sand filtration unit an alum chemical feed system, a UV disinfection system, a utility storage tank, post-aeration equipment, a blower building and blowers, and a Parshall flume and effluent flow meter. The facility also includes a forced draft cooling tower along with temperature controllers/recorders, cooling tower pumps, and recirculation pumps.

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

Wasted sludge will continue to be hauled off-site for disposal.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the docket holder's groundwater withdrawal. The docket holder's water withdrawal is described in detail in Docket No. D-2014-016-1, which was approved on September 16, 2015.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0053091 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as =supporting cold water fishes and migratory fishes (CWF, MF). EFFLUENT TABLE 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 0.5 mgd.

B. FINDINGS

The docket holder applied to renew approval of their existing 0.5 mgd WWTP and its discharge.

At the docket holder's IWTP discharge, the Willow Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 7.4 mgd (11.5 cfs), but with high statistical error, whereas the StreamStats application developed by the USGS notes:

“Weighted flows were not calculated. Users should be careful to evaluate the applicability of the provided estimates. Percentage of area falls outside where region is undefined. Whole estimates have been provided using available regional equations.”

The ratio of this low flow to the hydraulic design wastewater discharge rate from the 0.5 mgd IWTP is 14.9 to 1. However, Willow Chas been observed to have continual flow conditions less than 0.1 cfs, which is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on the Schuylkill River approximately 35 River Miles downstream of the docket holder's IWTP and is operated by the City of Pottstown.

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-1988-043-7 below, D-1988-043-6 is terminated and replaced by Docket No. D-1988-043-7. 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 N(J)PDES/SPDES Permit

OUTFALL 001 (Discharging to Willow Creek)		
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 ₅ (at 20° C) (5-1 to 10-31)	10 mg/l	As required by NPDES Permit
(11-1 to 4-30)	20 mg/l	
Ammonia Nitrogen (5-1 to 10-31)	1.4 mg/l	As required by NPDES Permit
(11-1 to 4-30)	4.2 mg/l	
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
(10-1 to 4-30)	2000 colonies per 100 ml as a geo. avg.	
Total Dissolved Solids*	1,000 mg/l	As required by NPDES Permit
Color (Pt-Co)	100 Units	As required by NPDES Permit

* See DECISION C.5

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 Willow Creek)			
PARAMETER	LIMIT		MONITORING
CBOD ₅ (at 20° C)	Monitor & Report Removal	Percent	Monthly
CBOD ₅ (at 20° C) Influent	Monitor & Report		Monthly

Other Conditions

2. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams.
3. 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.
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 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.
6. Section 2.3.10 of the Commission’s Rules of Practice and Procedure (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 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.

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 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.

9. 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.

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 CFR 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 CFR 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 CFR 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. 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: September 8, 2022

EXPIRATION DATE: September 30, 2027