

THE ENVIRONMENTAL APPEALS BOARD OF THE DEPARTMENT
OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

IN the matter of)
APPLICATION FOR NPDES PERMIT) STATE PERMIT WPCC 3012/74
TO DISCHARGE TO STATE WATERS) NPDES PERMIT DE 0050008

FINDINGS OF FACT

1. On August 23, 1977 at 10:30AM, the Environmental Appeals Board convened to consider an appeal of an order issued on February 4, 1977 by Harry E. Derrickson, Acting Secretary of the Department of Natural Resources and Environmental Control. Acting Secretary Derrickson approved an application from Sussex County Council for an 18-month extension of a November 1, 1976 deadline set forth in NPDES Permit No. DE0050008 to cease waste water discharge from South Coastal Regional Waste Water Treatment Plant to Assawoman Canal.

2. A quorum of the Environmental Appeals Board was present at the Hearings and rendered a decision.

3. On June 30, 1975, the Department issued NPDES Permit No. DE0050008 to the Sussex County Council for the discharge of treated waste water from the South Coastal Regional Waste Water Treatment Plant to Assawoman Canal until October 31, 1976 and to the Atlantic Ocean starting November 1, 1976.

4. The NPDES Permit issued to Sussex County Council on June 30, 1975 runs until June 30, 1980.

5. As a result of the delay in the completion of construction of the sewage collection system in the Bethany Beach Sanitary District, there was no discharge of waste water from the facility to the Assawoman Canal during the anticipated dates recited in the Permit. The construction of the ocean outfall for discharge of waste water from the treatment plant to the Atlantic Ocean was delayed to study alternatives for disposal of the effluent due to increased costs of pipe materials used to transport the waste water.

6. Harry E. Derrickson, Acting Secretary of the Department of Natural Resources and Environmental Control ordered that Sussex County Council be granted an 18-month extension of the deadline set for under NPDES Permit No. DE0050008 to cease waste water discharge from South Coastal Regional Waste Water Treatment Plant to Assawoman Canal.

DECISION AND ORDER

It is this 9th day of September 1977 the decision of the Environmental Appeals Board that the order of February 4, 1977 from Harry E. Derrickson, Acting Secretary, Department of Natural Resources and Environmental Control is hereby upheld. The evidence in the record indicates that the delays in construction of the sewage collection system in the Bethany Beach Sanitary District was due to price increases in the pipe materials required for disposal of the effluent. Such delay resulted in the

Waste Water Treatment Plant not discharging into the Assawoman Canal during the period it was permitted to do so. The extension of the deadline to cease waste water discharge by Acting Secretary Derrickson resulted only in the postponement of the discharge period, and did not result in any increase in the amount of discharge in the canal. It is hereby ordered that the Department of Natural Resources requests Sussex County to post a sign at the discharge site warning of the tertiary effluent discharge.

Thomas J. Kealy
THOMAS J. KEALY, Chairman

Earl B. Tull
EARL TULL

Ray K. Woodward
RAY K. WOODWARD

Phyllis G. Schabinger
PHYLLIS SCHABINGER

Joseph B. Melson
JOSEPH B. MELSON

