

Notice of Intent to Prepare an Environmental Impact Statement for Wastewater Disposal Options Including a Proposed Ocean Outfall for the City of Rehoboth Beach Wastewater Treatment Facility, Sussex County, Delaware

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Notice of Intent to Prepare and Environmental Impact Statement for Wastewater Disposal Options Including a Proposed Ocean Outfall for the City of Rehoboth Beach Wastewater Treatment Facility, Sussex County, Delaware

AGENCY: Delaware Department of Natural Resources and Environmental Control (DNREC).

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS).

SUMMARY: This notice advises the public that pursuant to Title 40 CFR, Part 35 the Department of Natural Resources and Environmental Control (DNREC) will analyze and evaluate the impacts of a proposed ocean outfall for the Rehoboth Beach Wastewater Treatment Facility. The Draft EIS will evaluate all alternatives for the disposal of treated water from the Rehoboth Beach Wastewater Treatment Facility. This notice is being provided as required by the Environmental Review Procedures for the Delaware Water Pollution Control Revolving Fund to obtain comments and information from other agencies and the public on the scope of issues to be addressed in the Draft EIS. A public scoping meeting will be held to obtain community input to ensure that all concerns are identified and addressed in the Draft EIS.

On June 14, 2010, the City of Rehoboth Beach submitted a loan application for project funding assistance from the Water Pollution Control Revolving Fund. Given the significance of the project, DNREC is required to prepare an Environmental Impact Statement prior to the approval of financial assistance for the project.

DATES: DNREC will conduct a public scoping meeting from 1:30 pm to 4:30 pm on September 21, 2010 at the Rehoboth Beach Convention Center, Rehoboth Beach, DE 19971. Full public participation by interested federal, state, and local agencies as well as other interested organizations and the general public is encouraged during the scoping process. The scoping process will end 45 days from the date of this notice. Public comments on the scope of the Draft EIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested.

FOR FURTHER INFORMATION CONTACT: Comments will be accepted for 45 days following the date of this notice by Mr. Greg Pope, P.E., Engineer VI, DNREC Financial Assistance Branch, 5 E. Reed Street, Suite 200, Dover, DE, 19901. Telephone: 302/739-9941, Facsimile: 302/739-2137. E-mail: greg.pope@state.de.us.

SUPPLEMENTARY INFORMATION:

Background

The Federal Clean Water Act requires states to identify water bodies that do not meet water quality standards and to impose a “Total Maximum Daily Load” (TMDL) on both the point and non-point sources that discharge to the water body. The TMDL is intended to limit the pollutant discharges so that the water quality will improve. In 1996 portions of both the Indian River and the Rehoboth Bay were listed as water quality impaired and thus required the development of a TMDL. The TMDL was issued in August, 1998 and required that “all point source discharges which are currently discharging into the Indian River, Indian River Bay, Rehoboth Bay, and their tributaries shall be eliminated systematically.” Thus, the Rehoboth Beach Wastewater Treatment Plant (WWTP), which discharges into the Lewes-Rehoboth canal, was no longer allowed to discharge and had to find an alternate method to discharge its treated wastewater effluent.

Although there was considerable discussion regarding the impacts of the TMDL on the operation of the Rehoboth Beach WWTP, an extended period of negotiations over the details of its implementation resulted in an agreement in the form of a consent order to eliminate the discharge. The consent order provides a timetable for 1) meeting interim permit levels for nitrogen and phosphorus based on a 25% reduction from currently permitted levels; 2) study of alternatives for eliminating the discharge; 3) identifying sources of funding for the project; and 4) implementing the recommended improvements. Trading with non-point sources to reduce or “eliminate” the nutrient load discharged to the Inland Bays was also permitted.

Studies were conducted to evaluate various alternatives for the disposal of treated effluent from the Rehoboth Beach Wastewater Treatment Plant with the primary criteria for an acceptable alternative being that it not result in the discharge of any nitrogen or phosphorus to the Inland Bays.

The various alternatives were evaluated to identify the most technically feasible, cost effective and environmentally acceptable option. On December 14, 2009, City Commissioners elected to proceed with an ocean outfall as its proposed method of disposal of treated effluent from the Rehoboth Beach Wastewater Treatment Plant.

Coordination with the U.S. Environmental Protection Agency and other government agencies, as required, will take place to ensure compliance with applicable federal and state laws and regulations.

The environmental review of this project will be conducted in accordance with the requirements of the Environmental Review Procedures of the Water Pollution Control Revolving Fund, and other appropriate federal regulations and the DNREC procedures for compliance with those regulations. Copies of the Draft EIS will be transmitted to federal and state agencies and other interested parties for comments as well as public comment.

Alternatives

The Draft EIS to be prepared will consider a range of alternatives, including the no action alternative, based on issues and concerns associated with the project. The Draft EIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; and evaluate the impacts associated with the alternatives under - consideration. Significant issues that have been identified to be addressed in the Draft EIS include, but are not limited to, impacts to water resources, water quality, cultural and biological resources, and human health effects.

The Draft EIS will evaluate five alternatives, as described herein:

1) Ocean Outfall – Proposed Action

Treated effluent is discharged through an outfall and diffuser into the ocean at a depth and distance from the shore that insures public health and environmental standards are met.

2) Land Application

Treated effluent is sprayed on agricultural land to irrigate crops and provide nutrients. The effluent percolates through the soil to the groundwater.

3) Rapid Infiltration Beds

Treated effluent is flooded on to sand beds allowing the water to percolate down into the groundwater.

4) Subsurface Injection

Treated effluent is injected either through a shallow well in an area where the groundwater is contaminated or through a deep well into an aquifer that is confined below the drinking water aquifers.

5) Nutrient Trading

Per the Consent Order, nutrient trading is an allowable alternative.

6) No Action

WWTP would continue to discharge into Lewes-Rehoboth canal.

Availability of the Draft EIS

DNREC anticipates the Draft EIS will be made available to the public by January 2011.

Dated: August 8, 2010.