DOCKET NO. D-1996-019 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Borough of Jim Thorpe
Wastewater Treatment Plant Upgrade
Jim Thorpe Borough, Carbon County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Entech Engineering, Inc. on behalf of the Borough of Jim Thorpe (docket holder) on August 26, 2015 (Application), for review of a wastewater treatment plant (WWTP) upgrade project. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0021873 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on August 8, 2013. PADEP indicated that a Water Quality Management (WQM) permit application has been submitted to the PADEP for the project upgrade construction, and that approval is pending.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact (Compact)*. The Carbon County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 10, 2016.

A. DESCRIPTION

1. **Purpose**. The purpose of this docket is to renew the docket holder's existing 0.92 million gallons per day (mgd) WWTP and its associated discharge and to approve an upgrade to the WWTP. The proposed upgrade consists of replacing the existing contact stabilization treatment system with a biological nutrient removal (BNR) treatment system, and appurtenant improvements. This docket also provides Commission special permit approval as provided in the Commission's Flood Plain Regulations (FPR) for the proposed upgrade of the existing WWTP. The WWTP will remain designed for an annual average flow of 0.92 mgd.

2. **Location**. The docket holder's WWTP is located between an existing railroad and the Lehigh River, on an access off of Laurel Lane on the southern border of the Borough of Jim Thorpe, Carbon County, Pennsylvania. The facility will continue to discharge treated WWTP effluent to the Lehigh River at River Mile 183.7 - 47.0 (Delaware River - Lehigh River) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW).

The project outfall is located in the Lehigh River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 51' 35"	75° 44' 15"

3. **Area Served**. The docket holder's WWTP will continue to serve the Borough of Jim Thorpe in Carbon 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. **Physical features**.

a. **Design criteria**. The docket holder's existing 0.92 mgd WWTP utilizes a contact stabilization activated sludge treatment process. The proposed upgrade will utilize a BNR treatment process including an Integrated Fixed Film Activated Sludge (IFAS) system. The WWTP will remain designed for an annual average flow of 0.92 mgd.

b. **Facilities**. The existing WWTP facilities consist of a wet well, two (2) comminutors, two (2) primary clarifiers, a contact aeration basin, an intermediate clarifier, a stabilization basin, a nitrification basin, two (2) secondary clarifiers, an aerobic digester, and two (2) chlorine contact tanks.

The proposed upgrades to the existing facilities consist of three (3) new influent pumps, a new automatic screen, a new grit removal system, the addition of an IFAS system, new clarification equipment, a new ultraviolet light (UV) disinfection system, new aerobic digestion process equipment, a newy screw press dewatering system, and appurtenant improvements. The project WWTP is an existing wastewater treatment facility that is proposing a substantial alteration and addition, namely the upgrade of their existing facilities, the addition of the IFAS system, new clarification equipment, new aerobic digestion process equipment, and a new screw press dewatering system, and is subject to the no measurable change (NMC) to existing water quality (EWQ) requirement.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a diesel generator installed capable of providing standby power, which will continue to provide standby power for the upgraded WWTP. (SPW)

The docket holder's wastewater treatment facility 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 an automatic dialer installed that continuously monitors plant operations. The proposed upgrades include installing a SCADA remote alarm system. (SPW)

The docket holder has prepared and implemented an emergency management plan (EMP) for the existing WWTP in accordance with Commission requirements, which will remain in effect for the upgraded WWTP, (SPW)

The docket holder's existing wastewater treatment facility does not discharge directly to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume. (SPW)

The docket holder's proposed upgrade has not incorporated natural wastewater treatment technologies into the design of the treatment facility since adequate land was not available, quality of soils and topography at/near the site was not sufficient, and costs were too significant to include additional natural treatment technologies as part of the upgrade in order to meet the effluent limits set by this docket. (SPW)

Direct dischargers to OBW or significant resource waters (SRW) performing "Substantial Alterations or Additions" or expanding their wastewater treatment plant are required to provide "Best Demonstrable Technology" (BDT) as a minimum level of treatment. The facility is not a direct discharger to OBW or SRW.

Several of the existing and proposed WWTP facilities are located in the flood hazard area (FEMA-designated 100-year flood zone) as defined in the Section 6.1.2 C. of the Commission's FPR. The docket holder has submitted plans indicating that the proposed tankage and improvements located in the flood hazard area are located outside the floodway, in the flood fringe (as defined by the FPR), and will be flood-proofed up to the flood protection elevation (100-year flood elevation plus one foot) by setting the elevations of the tops of the proposed tanks above the flood protection elevation. See the FINDINGS section of this docket and Condition II.r. in the Decision section. This docket also provides the special permit approval under Section 6.4 of the Commission's FPR.

Waste sludge will continue to be hauled off-site by a licensed hauler for disposal at a state approved facility.

c. **Water withdrawals**. The potable water supply in the project service area is provided by a surface water intake and groundwater wells owned and operated by the docket holder. The water withdrawal is described in detail in Docket No. D-1981-071 CP-5, which was approved on December 9, 2015.

d. **NPDES Permit / DRBC Docket**. PADEP issued NPDES Permit No. PA0021873 for the project discharge on August 8, 2013, which includes final effluent limits for the project discharge to surface waters classified by the PADEP as trout stocking fishery (TSF). The following average monthly effluent limits and monitoring requirements listed in EFFLUENT TABLE A-1, based on a flow of 0.92 mgd, are for DRBC parameters listed in the NPDES permit that meet or are more stringent than the effluent requirements of the DRBC, and are in effect prior to the project upgrade going into operation.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit, in effect prior to the project upgrade going into operation.

OUTFALL 001 (Lehigh River)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9	As required by NPDES permit
Total Suspended Solids	30 mg/l	As required by NPDES permit
CBOD (5-Day at 20º C)	25 mg/l (85% minimum removal)	As required by NPDES permit
Fecal Coliform 5/01-9/30 10/01-4/30	 200 colonies per 100 ml as a geo. avg. 2,000 colonies per 100 ml as a geo. avg.	As required by NPDES permit
Ammonia-Nitrogen	Monitor & Report	See Table A-2 below
Nitrate+Nitrite as N	Monitor & Report	See Table A-2 below
Total Nitrogen (TN)	Monitor & Report	See Table A-2 below
Total Phosphorous	Monitor & Report	See Table A-2 below

The following average monthly effluent limits and monitoring requirements are for DRBC parameters not included in the NPDES permit and are in effect prior to the project upgrade going into operation.

EFFLUENT TABLE A-2: DRBC parameters not included in NPDES permit, to be in effect prior to the plant upgrade going into operation

Outfall No. 001 (Lehigh River)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	1,000 mg/l	Quarterly
Ammonia-Nitrogen	20 mg/l**	Monthly**
Dissolved Oxygen	Monitor & Report	Monthly
Total Phosphorous	Monitor & Report	Monthly***
Nitrate+Nitrite as N	Monitor & Report	Monthly***
Total Kjeldahl Nitrogen (TKN)	Monitor & Report	Monthly***

* See Condition II.v. in DECISION section.

** NPDES permit requires quarterly monitoring for Ammonia-Nitrogen. Until the project upgrade goes into operation, this docket requires the docket holder to meet an average monthly effluent limit for Ammonia-Nitrogen of 20 mg/l, to be monitored monthly.

*** NPDES permit requires quarterly monitoring for these parameters. Until the project upgrade goes into operation, this docket requires the docket holder to monitor monthly for these parameters.

The following average monthly effluent limits and monitoring requirements are requirements of the DRBC, and go into effect after the project upgrade goes into operation.

EFFLUENT TABLE A-3: DRBC Parameters to go into effect after the plant upgrades are operational

OUTFALL 001 (Lehigh River)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9	Daily
Total Suspended Solids	30 mg/l	Weekly
CBOD (5-Day at 20º C)	25 mg/l (85% minimum removal)	Weekly
Fecal Coliform		Weekly

OUTFALL 001 (Lehigh River)		
PARAMETER	**LIMIT**	**MONITORING**
5/01-9/30 10/01-4/30	200 colonies per 100 ml as a geo. avg. 2,000 colonies per 100 ml as a geo. avg.	
Ammonia-Nitrogen 5/01-9/30 10/01-4/30	 20 mg/l*; 7.3 lbs/day 20 mg/l*; 21.9 lbs/day	 Monthly
Nitrate+Nitrite as N	109.6 lbs/day	Monthly
Total Nitrogen (TN)	136.4 lbs/day	Monthly
Total Phosphorous	20.0 lbs/day	Monthly
Total Dissolved Solids**	1,000 mg/l	Quarterly
Dissolved Oxygen	Monitor & report	Monthly

* 20 mg/l effluent concentration limit for Ammonia is DRBC basin-wide Ammonia effluent limit for non-tidal dischargers

** See Condition II.v. in DECISION section

e. **Cost**. The overall cost of this project is estimated to be $8,485,000.00.

f. **Relationship to the Comprehensive Plan**. The docket holder's WWTP was added to the Comprehensive Plan via Docket No. D-1972-126 CP-1 on November 8, 1972, and continued/modified via Docket Nos. D-1996-019 CP-1 and D-1996-019 CP-2 on June 26, 1996, and December 4, 2013, respectively. This docket (D-1996-019 CP-3) approves the proposed WWTP upgrade and continues the WWTP in the Comprehensive Plan.

B. FINDINGS

The docket holder applied to renew the DRBC approval and to upgrade the docket holder's existing 0.92 mgd WWTP.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations* (*WQR*), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area - as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

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. (Lower SPW)

The project discharge is located in the drainage area to the Lower Delaware SPW. Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities located in SPW that are proposing substantial alterations and additions demonstrate "….that the project will cause no measurable change to Existing Water Quality…" Section 3.10.3.A.2.d.9) of the Commission's *WQR* states that "For wastewater treatment facility projects subject to the no measurable change requirement, the demonstration of no measurable change to existing water quality shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause no measurable change at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH_3-N); dissolved oxygen (DO); fecal coliform (FC); nitrate (NO_3-N) or nitrite + nitrate (NO_2-N+ NO_3-N); total nitrogen (TN) or total Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

The project WWTP is an existing wastewater treatment facility that is proposing a substantial alteration and addition, namely the upgrade of their existing facilities, addition of the IFAS system, new clarification equipment, new aerobic digestion process equipment, and a new primary press dewatering system, and is subject to the NMC to EWQ requirement. NMC to EWQ is to be demonstrated at the Lehigh River Boundary Control Point (Lehigh BCP), which is located on the Lehigh River just prior to its confluence with the Delaware River.

Section 3.10.3A.2.a.4) of the Commission's *WQR* defines "Measurable Change" as "an actual or estimated change in a seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence intervals that define existing water quality."

EWQ is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. EWQ is described in terms of:

(a) an annual or seasonal mean of the available water quality data,
(b) two-tailed upper and lower 95 percent confidence limits around the mean, and
(c) the 10^{th} and 90^{th} percentiles of the data set from which the mean was calculated.

The determination of NMC is based on a comparison of historical water quality observations at the Lehigh BCP with the modeled (predicted) EWQ at the Lehigh BCP. EWQ for the Lehigh BCP (listed in Table B-1 below) was derived from United States Environmental Protection Agency (USEPA) Storet (PADEP, United States Geological Survey, etc.) data for 2003-2006. The EWQ that is protected at the BCP is that which existed at the time of SPW classification in 2005 (2005-EWQ).

Table B-1: Lehigh BCP 2005-EWQ

Model Run	TSS (mg/l)	Ammonia – N (mg/l)	TP (mg/l)	Nitrate –N (mg/l)	TN (mg/l)	D.O. (mg/l)
Median	4.0	0.08	0.17	1.80	2.43	8.85
95% Upper C.L. (EWQ Target)	6.0	0.09	0.24	2.0	2.74	8.39*

*DO objective is the lower 95% C.L.

In 2009 Commission staff completed a water quality model, using the USEPA's QUAL2K platform, for the Lehigh River Watershed after compiling data for the eight parameters (NH_3 N, DO, FC, NO_3 N, TN, TP, and TSS) necessary to define 2005-EWQ.

The 2009 LR-WQM's domain included the watershed downstream of the Lehigh Water Gap. The 2009 LR-WQM was calibrated using in-stream water quality data sets from 2004 and 2005 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumes that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those parameters for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 LR-WQM included data from sixty-one (61) existing facilities. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the USEPA Technical Guidance for Developing TMDLs.

Commission staff updated and recalibrated the 2009 LR-WQM in July 2015 (referenced as July 2015 LR-WQM) to reflect data collected since 2009 and to reflect projects expected to be constructed in the watershed within a few years of issuance for the purpose of establishing effluent limits for other in-house facilities. The updated model contains sixty-three (63) dischargers.

To determine the net potential impacts to the 2005-EWQ (Table B-1) at the Lehigh BCP as a result of the in-house facility discharges, Commission staff first used the July 2015 LR-WQM to establish grandfathered loadings for all facilities that were in existence in 2005. Commission staff then analyzed each facility as it is permitted to discharge today and calculated the equal effluent concentrations (EEC) required for the non-grandfathered (or incremental) load of each facility to establish effluent limits for each parameter (see Table B-2).

Table B-2: July 2015 LR-WQM EEC

	TSS (mg/l)	Ammonia – N (mg/l)	TP (mg/l)	Nitrate – N (mg/l)	TN (mg/l)
EEC	30	0.95	2.47	8.7	12.25

The docket holder's grandfathered loads are located in Table B-3 below and were estimated using historic effluent data provided by the docket holder. Grandfathered flow is the

average monthly WWTP effluent flow from 2000-2004. Grandfathered Ammonia, Nittite+Nitrate, TN, and TP concentrations are calculated from average monthly effluent data from 2012 to 2014. Note: Historical WWTP effluent data was available for Nittite+Nitrate, and therefore the effluent limits derived by this analysis are for Nittite+Nitrate as opposed to Nitrate. Nitrite is expected to be relatively low compared to Nitrate.

Table B-3: WWTP Grandfathered Load

Grandfathered Flow = 0.48 mgd	**Ammonia - N**	**TP**	**Nitrite + Nitrate - N**	**TN**
Grandfathered (GF) Concentration	0.14 mg/l	2.7 mg/l	19.4 mg/l	22.8 mg/l
Grandfathered (GF) Load	0.56 lbs/day	10.8 lbs/day	77.7 lbs/day	91.3 lbs/day

The docket holder's WWTP is not included in the LR-WQM since it is upstream of the LR-WQM domain boundary. However, effluent load limits were derived for the proposed WWTP upgrade using a similar approach that would be taken for the 63 WWTPs that are in the LR-WQM when one of the WWTPs performs a substantial alteration or addition. Effluent limits are set for the proposed upgrade using the grandfathered load plus the non-grandfathered load. The effluent load limits located in EFFLUENT TABLE A-3 Section A.4.d. of this docket are derived from the weighted average of the grandfathered loads in Table B-3 (associated with a grandfathered flow of 0.48 mgd) and the non-grandfathered (or incremental) load calculated using the July 2015 LR-WQM EEC in Table B-2 (associated with the non-grandfathered flow of 0.44 mgd). Note: Summer Ammonia limits were set using the EEC concentration (0.95 mg/l) and the design flow (0.92 mgd). Since the grandfathered load is very small, this allows for operational flexibility at the upgrade WWTP, and for variability in the WWTP effluent. DRBC staff does not expect a measurable change to EWQ for Ammonia from this load allowance. Winter ammonia is set at the three times the summer ammonia, which is the default seasonal multiplier for ammonia in Pennsylvania.

The following table (Table B-4) contains the grandfathered loads, the non-grandfathered loads, total allowable loads and the equivalent design effluent concentration for the total allowable loads for Ammonia, TP, Nitrite+Nitrate, and TN for the docket holder's WWTP upgrade. As the WWTP reaches its permitted flow (0.92 mgd), it will need to produce effluent concentrations equivalent to or less than those indicated as "Design Concentration" below in order for the docket holder to meet its corresponding total allowable load. These concentrations are not limits, and are provided for design and informational purposes. The Total Allowable Loads below are contained in EFLUENT TABLE A-3 from Section A.4.d. of this docket, and are in effect after the WWTP upgrade goes into operation.

Table B-4: WWTP Effluent Load Limts and Design Effluent Concentration

Design Flow = 0.92 mgd	**Ammonia – N (Summer)**	**Ammonia – N (Winter)**	**TP**	**Nitrite+ Nitrate - N**	**TN**
Grandfathered Load	0.56 lbs/day	*	10.8 lbs/day	77.7 lbs/day	91.3 lbs/day
Non-grandfathered Load	6.74 lbs/day	*	9.2 lbs/day	31.9 lbs/day	45.1 lbs/day
Total Allowable Load	7.3 lbs/day	21.9 lbs/day	20.0 lbs/day	109.6 lbs/day	136.4 lbs/day

Design Concentration	0.95 mg/l	2.85 mg/l	2.6 mg/l	14.3 mg/l	17.8 mg/l

* Winter Ammonia is set as three times Summer Ammonia

Natural Treatment Alternatives (NTA) Analysis

The docket holder has satisfactorily demonstrated the technical infeasibility of using natural wastewater treatment technologies. A report was submitted as part of the Application that concluded that adequate land was not available, quality of soils and topography at/near the site was not sufficient, and costs were too significant for natural wastewater treatment technologies. Commission staff agree with the conclusion.

Non-Point Source Pollution Control Plan (NPSPCP)

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 within in the drainage area to the SPW. Since this project does entail additional construction and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time.

The Borough of Jim Thorpe has adopted and implemented a stormwater ordinance in accordance with the Jim Thorpe Borough Watershed Act 167 Stormwater Management Plan. The Jim Thorpe Borough Watershed Act 167 Stormwater Management Plan's stormwater ordinance requirements satisfy the NPSPCP of the Commission.

DRBC Flood Plain Regulations

A portion of the existing WWTP facilities and the proposed upgrade are located in the flood hazard area (FEMA-designated 100-year flood zone) of the Lehigh River. The docket holder has submitted plans indicating that the proposed tankage and improvements located in the flood hazard area are located outside the floodway, in the flood fringe, and will be flood-proofed up to the flood protection elevation by setting the elevations of the tops of the proposed tanks above the flood protection elevation. Section 6.3.4 of the Commission's FPR allows certain uses, including waste treatment facilities, within the flood fringe to be authorized by special permit. The upgrade to the existing WWTP is designed to comply with the Commission's FPR. Special permit approval is granted under Section 6.4 of the Commission's FPR. In accordance with Section 6.3.4.B.5 of the FPR, the docket holder is required to prepare a Flood Emergency Plan, which shall include plans and procedures for actions to be taken in the event of flooding at the WWTP site. The written Flood Emergency Plan is required to be submitted to the Executive Director for approval prior to the initiation of construction of the WWTP upgrade approved in this docket (See DECISION Condition II.r.).

Near the project WWTP discharge location, the Lehigh River has an estimated seven-day low flow with a recurrence interval of ten years (Q7-10) of 69 mgd (107 cfs). The ratio of

this low flow to the average design discharge (0.2 mgd) from the 0.92 mgd project WWTP is 75:1.

The nearest surface water intake of record for public water supply downstream of the project discharge is located on the Lehigh River approximately 23 river miles downstream of the project discharge, and is operated by the Borough of Northampton.

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 limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1996-019 CP-3 below:

a. The projects described in Docket Nos. D-1972-126 CP-1 and D-1996-019 CP-2 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1996-019 CP-3; and

b. Docket Nos. D-1972-126 CP-1 and D-1996-019 CP-2 are terminated and replaced by Docket No. D-1996-019 CP-3 and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and WQM Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. Commission approval of the project upgrade is contingent upon PADEP's approval of the Part II permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *FPR*.

d. The docket holder shall comply with the requirements contained in EFFLUENT TABLES A-1 and A-2 contained in Section A.4.d. of this docket. After the WWTP upgrade goes into operation, the docket holder shall comply with the requirements contained in EFFLUENT TABLE A-3. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email **aemr@drbc.nj.gov** on the **Annual Effluent Monitoring Report Form** located at this web address: http://www.state.nj.us/drbc/programs/project/application/index.html. 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.

e. 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*.

f. 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.

g. 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.

h. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

i. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

j. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

k. The WWTP upgrade shall be completed within three years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed within three years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the modifications to the existing WWTP shall expire. If the docket expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

l. The docket holder is permitted to treat and discharge wastewaters 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.

m. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish, wildlife, and/or other aquatic life and shall avoid any injury to public or private property.

n. 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).

o. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

p. 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, in order to ensure proper control, use and management of the water resources of the Basin.

q. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

r. Special permit approval is granted under Section 6.4 of the Commission's FPR. The approval is conditioned on the docket holder submitting a Flood Emergency Plan detailing the actions to be taken in the event of flooding to the Executive Director for approval prior to the initiation of construction of the WWTP upgrade approved in this docket.

s. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges 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 (or the later date established by an extension that has been timely requested and approved), 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.

t. 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.

u. 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.

v. 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.

w. 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.

BY THE COMMISSION

DATE APPROVED: March 16, 2016

EXPIRATION DATE: August 31, 2023