

**DOCKET NO. D-1985-028 CP-3**

**DELAWARE RIVER BASIN COMMISSION**

**Discharge to a Tributary of Special Protection Waters**

**Town of Rockland**

**Livingston Manor Wastewater Treatment Plant**

**Town of Rockland, Sullivan County, New York**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Bipin Gandhi, P.C. on behalf of the Town of Rockland (The Town or docket holder) on January 5, 2015 (Application), for renewal of the docket holder's existing Livingston Manor wastewater treatment plant (WWTP) and its discharge, as well as to approve modifications to the WWTP that meet the Commission's definition of substantial alterations or additions [See Section 3.10.3A.2.a.16) of the Commission's *Water Quality Regulations (WQR)*]. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0025437 for this facility was issued by the New York State Department of Environmental Conservation (NYSDEC) on November 20, 2014, effective December 1, 2014. Plan Approval for the proposed modifications is currently under review by the NYSDEC.

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 Sullivan County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on June 9, 2015.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.8 million gallons per day (mgd) WWTP and its discharge. This docket also approves proposed modifications to the docket holder's WWTP that are classified as substantial alterations or additions, converting the treatment plant to a sequencing batch reactor (SBR) facility, and will not result in an increase to the hydraulic capacity of the WWTP.

2. **Location.** The WWTP will continue to discharge treated effluent to Willowemoc Creek at River Mile 330.7 – 15.5 – 15.5 – 6.94 (Delaware River – East Branch Delaware River – Beaver Kill – Willowemoc Creek) via Outfalls Nos. 001 and 002, within the drainage area to the Upper Delaware Special Protection Waters (SPW), in the Town of Rockland, Sullivan County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 54' 33"	74° 49' 53"
002	41° 54' 31"	74° 49' 53"

3. **Area Served.** The docket holder's WWTP will continue to serve the Livingston Manor Sewer District located in the Town of Rockland, Sullivan County, New York. 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 will continue to operate its existing 0.8 mgd WWTP. The docket holder proposes to modify the WWTP to utilize a SBR treatment system in order to more regularly meet its effluent limitations.

b. **Facilities.** The existing WWTP consists of a comminutor, grit removal, two (2) lagoons, two (2) clarifiers, a post aeration tank, a sludge thickener, a sludge holding tank, and eight (8) sludge drying beds.

The modified WWTP will consist of an influent pump station, a valve chamber, an equalization basin, a mechanical screen, a bypass barscreen, a grit chamber, a parshall flume, a splitter box, two (2) SBR basins, a post aeration tank, an aerated sludge holding tank, an aerobic digester, a gravity sludge thickener, and eight (8) sludge drying beds.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The existing WWTP has a generator installed capable of providing emergency power. The docket holder is required as part of the modifications to the WWTP to upgrade the generator if it is unable to provide emergency power to the modified facility (See DECISION Condition II.s.).

The docket holder's wastewater treatment facility is not/will not be 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 a remote alarm system installed that continuously monitors plant operations. The docket holder is required as part of the modifications to the WWTP to upgrade the remote alarm systems provide coverage for the modified WWTP (See DECISION Condition II.s.).

The docket holder's existing and modified wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements.

The docket holder has satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies in accordance with the Commission's SPW requirements. A report was submitted on April 13, 2015 that concluded that due to the WWTPs

proximity to the floodplain and unavailable land nearby that additional space for natural treatment is not feasible. Commission staff agree with the conclusion.

The project facilities are located in the flood-fringe portion of the 100-year floodplain. The docket holder has constructed a dike around portions of the WWTP and proposes to construct the modified facilities so that the tops of the tanks are flood-proofed at least one (1) foot above the 100-year flood elevation as required by the Commission's *Flood Plain Regulations (FPR)*.

Wasted 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 supplied by the docket holder's distribution system, which was last approved by the Commission on June 11, 2014 via Docket No. D-1963-004 CP-2.

d. **SPDES Permit / DRBC Docket.** SPDES Permit No. NY0025437 was issued by the NYSDEC on November 20, 2014 (effective December 1, 2014) and includes final effluent limitations for the project discharge of 0.8 mgd to surface waters classified by the NYSDEC as a Class C(TS) stream. The following average monthly effluent limits are among those listed in the SPDES Permit for the existing WWTP and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit for Existing WWTP**

OUTFALL 001 & 002 (Existing WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
TSS	30 mg/l	As required by SPDES Permit
Dissolved Oxygen	6.0 mg/l (daily minimum)	As required by SPDES Permit
CBOD <sub>5</sub> (at 20° C)	25 mg/l (85% minimum removal)	As required by SPDES Permit
Ammonia Nitrogen (6-1 to 10-31)	11 mg/l	As required by SPDES Permit
TKN (11-1 to 5-31) (6-1 to 10-31)	20 mg/l Monitor & Report	As required by SPDES Permit
Nitrate + Nitrite as N	Monitor & Report	As required by SPDES Permit
Phosphorus	Monitor & Report	As required by SPDES Permit
Total Dissolved Solids*	Monitor & Report	As required by SPDES Permit

\* See DECISION Condition II.w.

The requirement in EFFLUENT TABLE A-2 is not listed in the SPDES Permit, but is a Commission basin-wide specific parameter that was included in Docket No. D-1985-028 CP-2 and must continue to be met as a condition of this docket approval (See DECISION Condition II.d.). Commission staff have requested NYSDEC include this parameter in their next Permit.

**EFFLUENT TABLE A-2:** DRBC Parameter Not Included in SPDES Permit for Existing WWTP

<b>OUTFALL 001 &amp; 002 (Existing WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Ammonia Nitrogen (11-1 to 4-30)	Monitor & Report	Monthly

The requirements in EFFLUENT TABLE A-3 are listed in the SPDES Permit for the modified WWTP and meet or are more stringent than the effluent requirements of the DRBC (See DECISION Condition II.d.).

**EFFLUENT TABLE A-3:** DRBC Parameters Included in SPDES Permit for Modified WWTP

<b>OUTFALL 001 &amp; 002 (Modified WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
TSS	30 mg/l	As required by SPDES Permit
Dissolved Oxygen	6.0 mg/l (daily minimum)	As required by SPDES Permit
CBOD <sub>5</sub> (at 20° C)	25 mg/l (85% minimum removal)	As required by SPDES Permit
Ammonia Nitrogen (6-1 to 10-31)	11 mg/l	As required by SPDES Permit

The requirements in EFFLUENT TABLE A-4 are not listed in the SPDES Permit, but are Commission basin-wide and/or SPW specific parameters that must be met as a condition of this docket approval. Commission staff have requested NYSDEC include these parameters in their next Permit. Monitoring shall begin once the WWTP modifications have been completed (See DECISION Condition II.d.).

**EFFLUENT TABLE A-4:** DRBC Parameters Included in SPDES Permit for Modified WWTP

<b>OUTFALL 001 &amp; 002 (Modified WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
TSS (5-1 to 9-30)	70.0 lbs/day	Monthly
(10-1 to 4-30)	82.5 lbs/day	
CBOD <sub>5</sub> (at 20° C) (5-1 to 9-30)	60.0 lbs/day	Monthly
(10-1 to 4-30)	67.0 lbs/day	
Ammonia Nitrogen (5-1 to 9-30)	8.54 lbs/day	Monthly
(10-1 to 4-30)	28.50 lbs/day	
TKN (5-1 to 9-30)	20.87 lbs/day	Monthly
(10-1 to 4-30)	52.20 lbs/day	
Nitrate + Nitrite as N (5-1 to 9-30)	39.72 lbs/day	Monthly
(10-1 to 4-30)	68.50 lbs/day	
Phosphorus (5-1 to 9-30)	14.12 lbs/day	Monthly
(10-1 to 4-30)	23.84 lbs/day	
Total Dissolved Solids*	1,000 mg/l	Quarterly

\* See DECISION Condition II.w.

The DRBC restricts loadings to the receiving stream to protect SPW, and not concentrations. For your information, the corresponding May thru September concentrations associated with the SPW loadings at the full permitted discharge flow of 0.8 mgd are as follows:

PARAMETER	CONCENTRATION
CBOD (5-Day at 20° C)	8.99 mg/l
Total Suspended Solids	10.45 mg/l
Ammonia Nitrogen	1.28 mg/l
TKN	3.13 mg/l
Nitrate + Nitrite as N	5.95 mg/l
Phosphorus	2.12 mg/l

e. **Cost.** The overall cost of this project is estimated to be \$5,000,000.

f. **Relationship to the Comprehensive Plan.** The docket holder's 0.8 mgd WWTP was included in the Comprehensive Plan as part of the approval of Docket No. D-85-28 CP on September 24, 1985. Issuance of this docket will continue approval of the existing WWTP in the Comprehensive Plan and include the proposed modifications (See DECISION Condition I.c.).

## B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.8 mgd WWTP and its discharge. Due to the loss of an industry formerly part of the docket holder's service area, the docket holder has been having trouble regularly meeting its SPDES Permit effluent limitations and NYSDEC has required the docket holder to modify the WWTP to come into compliance. This docket also approves proposed modifications to the docket holder's WWTP that are classified as substantial alterations or additions, converting the treatment plant to a SBR facility, and will not result in an increase to the hydraulic capacity of the WWTP. The proposed modifications are Phase 1 of a 2 phase upgrade. The docket holder is required to submit an application to the Commission prior to the initiation of the design of Phase 2 (See DECISION Condition II.y.).

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *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.

On July 16, 2008, the DRBC approved amendments to its *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 and clarity on definitions and terms were updated for the entire program.

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 modification of facilities (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.q., II.r., and II.y. have been included in this docket.

The docket holder provided the Commission with effluent data from the time of SPW designation as part of the application for Docket No. D-1985-028 CP-2. Commission staff utilized that data to identify the grandfathered loads for the WWTP as part of that review. The data set was incomplete as the docket holder did not have Phosphorous (Total P) or nitrate + nitrite as nitrogen (Nitrate + Nitrite as N) data. Commission staff have analyzed other similar WWTPs in the basin to establish grandfathered loads for the docket holder's WWTP since facility specific data does not exist. The grandfathered loads for the docket holder's WWTP are located in Table B-1 below.

**Table B-1: Livingston Manor WWTP's Grandfathered Loads**

Months	CBOD <sub>5</sub> (lbs/day)	TSS (lbs/day)	Total P (lbs/day)	Nitrate + Nitrite as N (lbs/day)	TKN as N (lbs/day)	Ammonia – as N (lbs/day)
May-Sept*	11.8	21.5	4.47	5.96	6.4	1.3
Oct-April**	21.1	36.5	5.44	4.12	24.6	14.7

\* Grandfathered Loads are associated with a flow of 0.222 mgd

\*\* Grandfathered Loads are associated with a flow of 0.249 mgd

The docket holder's WWTP discharges approximately 38 river miles upstream of the East Branch Delaware River boundary control point (BCP). The Commission has not developed a water quality model for this waterbody and therefore a no measurable change (NMC) to existing water quality (EWQ) analysis is required to be performed by the docket holder as part of the Application. DRBC staff developed the NMC to EWQ effluent limitations based on grandfathered loads and the application of best demonstrable technology (BDT) for the incremental flow above that associated with the grandfathered load.

Due to the distance from the BCP and the flow present in the streams between the docket holder's discharge and the BCP, Commission staff have determined that the effluent limitations in EFFLUENT TABLE A-4 will prevent a measurable change to EWQ at the BCP. The docket holder's engineer has agreed that the modified WWTP can meet these effluent limitations. The incremental limits are located in Table B-2.

**Table B-2: Livingston Manor WWTP's Incremental Loads**

Months	CBOD <sub>5</sub> (lbs/day)	TSS (lbs/day)	Total P (lbs/day)	Nitrate + Nitrite as N (lbs/day)	TKN as N (lbs/day)	Ammonia – as N (lbs/day)
May-Sept*	48.24	48.24	9.65	33.77	14.47	7.24
Oct-April**	45.98	45.98	18.40	64.38	27.60	13.80

\* Incremental Loads are associated with a flow of 0.578 mgd

\*\* Incremental Loads are associated with a flow of 0.551 mgd

It is the best professional judgement of the Commission staff that BDT loadings for the incremental flow will be protective of EWQ at the BCP. EFFLUENT TABLE A-4 above reflects the combined loading that the modified WWTP can discharge as a result of the combination of the docket holder's grandfathered and incremental loads and should be protective of EWQ at the BCP.

According to the United States Geological Survey (USGS) Streamstats program Willowemoc Creek at the docket holder's WWTP discharge has an estimated seven-day low flow with a recurrence interval of ten years (Q<sub>7-10</sub>) of 10.73 mgd (16.6 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.8 mgd WWTP is 13.4 to 1.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 175 River Miles downstream of the docket holder's WWTP, and is operated by the City of Easton.

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 SPDES 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-1985-028 CP-3 below:

a. The project described in Docket No. D-1985-028 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1985-028 CP-3; and

b. Docket No. D-1985-028 CP-2 is terminated and replaced by Docket No. D-1985-028 CP-3; and

c. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be added to/continued in 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 NYSDEC in its SPDES and Plan Approval Permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

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*.

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email [aemr@drbc.state.nj.us](mailto:aemr@drbc.state.nj.us) 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 reseedling 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 modifications 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 modification approval 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 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.

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. Prior to start of construction of the proposed modifications, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR*.

s. The docket holder's existing WWTP has an emergency power source, remote alarms and an EMP. The docket holder submitted a revised EMP for the modified WWTP as part of the Application. Upon completion of construction of the modifications to the WWTP the docket holder shall certify in writing to the Commission that the emergency power source and remote alarms systems are adequate to handle the modified WWTP along with the statement required as part of DECISION Condition II.j.

t. 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.

u. 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.

v. 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.

w. 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.

x. 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.

y. Prior to the docket holder initiating the design of Phase 2 of this project or any substantial alterations or additions to the WWTP in the future as defined in Section 3.10.3A2.a.16) of the Commission’s *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to initial design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

z. The docket holder requested a waiver of the estimated \$20,000 project review fee or the allowance of incremental payments of the fee. The waiver request is denied. The docket holder is required to make four (4) payments of \$5,000 to the Commission to cover the estimated project review fee. The first payment is due by September 1, 2015. The next three payments are due no later August 1, 2016, August 1, 2017, and August 1, 2018, respectively. Should construction costs exceed those predicted as part of the Application, the remaining project review fee due to the Commission (See DECISION Condition II.j.) shall also be paid on August 1, 2018. Failure to timely submit the project review fee installments will result in the addition of interest fees to the outstanding payment and may result in an enforcement action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED: June 10, 2015**

**EXPIRATION DATE: November 30, 2019**