

DOCKET NO. D-1988-051 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Bath Borough Authority
Wastewater Treatment Plant Modification
Bath Borough, Northampton County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Alfred Benesch & Company on behalf of the Bath Borough Authority (Bath Borough or docket holder) on April 7, 2017 (Application) for renewal of DRBC approval to construct a new wastewater treatment plant (WWTP). The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0020206 for the project discharge on July 23, 2012.

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 Lehigh Valley Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 16, 2017.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew the DRBC approval to construct a new 0.51 million gallons per day (mgd) WWTP to replace the docket holder's existing 0.51 mgd WWTP. DRBC approved the new proposed WWTP in Docket No. D-1988-051 CP-2 on March 7, 2012; however, the proposed WWTP has yet to be constructed.
- Location.** The Bath Borough WWTP is located off Mill Street just east of its intersection with Race Street in Bath Borough, Northampton County, Pennsylvania. The WWTP will continue to discharge treated wastewater effluent to Monocacy Creek, which is tributary to the Lehigh River, at River Mile 183.7 – 11.5 – 13.2 (Delaware River – Lehigh River – Monocacy Creek) in the drainage area to the Lower Delaware Special Protection Waters (SPW) Area.

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

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 43' 21"	75° 23' 42"

3. **Area Served.** The docket holder's existing WWTP and proposed WWTP will serve Bath Borough and portions of East Allen Township and Upper Nazareth Township, in Northampton 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 0.51 mgd WWTP utilizes an activated sludge treatment system with chlorine contact disinfection. The proposed 0.51 mgd WWTP will utilize an intermittent cycle extended aeration system (ICEAS), which is a sequencing batch reactor (SBR) treatment system. The proposed system will also feature ultraviolet light (UV) disinfection. The previous docket approval (D-1988-051 CP-2) approved a new 0.51 mgd WWTP utilizing a Biologically Engineered Single Sludge Treatment (BESST) system; however, the docket holder has amended the design and elected to construct an SBR treatment system instead of the BESST system. The proposed SBR system is approved via this docket (D-1988-051 CP-3) and is designed to meet the same effluent limits as previously approved by Docket No. D-1988-051 CP-2, which are included in Section A.4.d. of this docket.

b. **Facilities.** The existing WWTP facilities consist of a comminutor, a pump station, an equalization tank, 3 aeration tanks, 3 settling tanks, 2 aerobic digesters, a belt press, and a chlorine contact tank. The proposed WWTP facilities will consist of an automated mechanically-cleaned bar screen, 2 continuous flow ICEAS units (in parallel), one dual unit UV disinfection system, 3 aerobic digesters, and a centrifuge.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The docket holder indicated in the Application that the existing WWTP has a generator installed capable of providing standby power, and that the proposed WWTP will also have a generator installed.

The docket holder's WWTP is required to be staffed 24 hours per day or have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The docket holder indicated in the Application that the existing WWTP has an auto dialer remote alarm system installed, and that the proposed WWTP will have a SCADA remote alarm system installed.

The docket holder has not prepared and implemented an emergency management plan (EMP) for the existing or proposed WWTP in accordance with Commission SPW requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP for the existing and proposed WWTP within 6 months of approval of this docket (See DECISION Condition C.II.q.). (SPW)

The existing and proposed WWTP facilities are not located in the 100 year floodplain.

Wasted sludge will 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 of the docket holder's WWTP is provided by groundwater wells owned and operated by the docket holder. The water withdrawals were approved by the Commission via Docket No. D-2007-16 CP-2 on June 14, 2017.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0020206 was issued by the PADEP on July 23, 2012 and includes final effluent limitations for the existing discharge of 0.51 mgd to surface waters classified by the PADEP as High Quality – Cold Water Fishery (HQ-CWF). 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. The following effluent limits and monitoring requirements are in effect until the proposed WWTP is constructed and goes into operation:

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

OUTFALL 001 (Existing)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids	30 mg/l	As required by NPDES permit
CBOD (5-Day at 20° C)		As required by NPDES permit
(5-1 to 10-31)	20 mg/l; 85% minimum removal	
(11-1 to 4-30)	25 mg/l; 85% minimum removal	
Ammonia Nitrogen (5-1 to 10-31)	3.0 mg/l	As required by NPDES permit
(11-1 to 4-30)	9.0 mg/l	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
Dissolved Oxygen	6.0 mg/l minimum	As required by NPDES permit
Total Phosphorous	2.0 mg/l	As required by NPDES permit
Total Nitrogen (5/1 to 9/30)	Monitor & Report	As required by NPDES permit
Nitrate as Nitrogen (5/1 to 9/30)	Monitor & Report	As required by NPDES permit
Total Dissolved Solids*	Monitor & Report	As required by NPDES permit

* See Condition C.II.x. in the Decision section

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, and are in effect after the proposed WWTP is constructed and goes into operation:

EFFLUENT TABLE A-2: DRBC Parameters Included in NPDES Permit for Proposed WWTP

OUTFALL 001 (Proposed)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids		As required by NPDES permit
(5-1 to 9-30)	30 mg/l; 78 lbs/day*	
(10/1 to 4/30)	30 mg/l; 127 lbs/day	
CBOD (5-Day at 20° C)		As required by NPDES permit
(5-1 to 10-31)	20 mg/l; 85% minimum removal	
(11-1 to 4-30)	25 mg/l; 85% minimum removal	
Ammonia Nitrogen		As required by NPDES permit
(5-1 to 9/30)	3.0 mg/l; 7.98 lbs/day*	
(10/30 to 10/31)	3.0 mg/l; 12.8 lbs/day	
(11-1 to 4-30)	9.0 mg/l; 38.0 lbs/day	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
Dissolved Oxygen	6.0 mg/l minimum	As required by NPDES permit
Total Phosphorous	2.0 mg/l; 8.5 lbs/day	As required by NPDES permit
Total Nitrogen		As required by NPDES permit
(5/1 to 9/30)	51.24 lbs/day*	
Nitrate as Nitrogen		As required by NPDES permit
(5/1 to 9/30)	30.82 lbs/day*	
Total Dissolved Solids	1,000 mg/l	As required by NPDES permit

* The effluent load limits in pounds per day (lbs/day) for the proposed WWTP for these parameters were established in DRBC Docket No. D-1988-051 CP-2 and are required in order to demonstrate no measurable change to existing water quality at the Lehigh River boundary control point (See FINDINGS section of this docket). The equivalent design concentrations associated with these load limits based on the design flow of 0.51 mgd are listed in TABLE A-3 below. These concentrations are for information purposes only; the docket holder will be limited to the effluent requirements in EFFLUENT TABLE A-2 above after the proposed WWTP goes into operation.

TABLE A-3: Design Concentrations for the Proposed WWTP

PARAMETER	DESIGN CONCENTRATION
Total Suspended Solids	18.3 mg/l
Ammonia Nitrogen	1.9 mg/l
Total Nitrogen	12.0 mg/l
Nitrate as N	7.2 mg/l

e. **Cost.** The overall cost of this project is estimated to be \$8,200,000.

f. **Relationship to the Comprehensive Plan.** The docket holder's WWTP was added to the Comprehensive Plan on June 24, 1964, via Docket No. D-1964-023 CP-1. Docket No. D-1988-051 CP-1 was approved on April 26, 1989 for a WWTP expansion project. Docket No. D-1988-051 CP-2 was approved on March 7, 2012 for the proposed WWTP replacement. This docket (D-1988-051 CP-3) renews approval of the proposed WWTP replacement project.

B. FINDINGS

The docket holder submitted an Application to renew the DRBC approval to construct a new 0.51 million gallons per day (mgd) WWTP to replace the docket holder's existing 0.51 mgd WWTP. DRBC approved the proposed WWTP via Docket No. D-1988-051 CP-2 on March 7, 2012; however, the proposed WWTP has yet to be constructed. This docket (D-1988-051 CP-3) renews the approval of the existing WWTP and the approval of the project to replace the existing 0.51 mgd WWTP with a new 0.51 mgd WWTP.

In 1992, the DRBC adopted Special Protection Waters (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 were 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, known as the Upper/Middle Delaware River SPW area.

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 docket holder's WWTP discharges to the drainage area to the Lower Delaware River SPW. The docket holder's WWTP discharge is required to comply with the SPW requirements, as outlined in Article 3.10.3A.2. of the *WQR*.

Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities 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 *WQR* states that "For wastewater treatment facility projects subject to the no measurable change (NMC) requirement, the demonstration of NMC to existing water quality (EWQ) shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause NMC at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH₃ N); dissolved oxygen (DO); fecal Coliform (FC); nitrate (NO₃ N) or nitrite + nitrate (NO₂ N+ NO₃ N); total nitrogen (TN) or Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

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 10th and 90th 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 boundary control point (BCP) with the modeled (predicted) EWQ at the Lehigh BCP. The EWQ that is protected at the BCP is that which existed at the time of the Lower Delaware River SPW classification in 2005 (2005-EWQ), In-stream water quality data collected twice per month from May through September 2000-2004 was used by the Commission to define EWQ for the BCP, as follows:

TABLE B-1: 2005-EWQ at Lehigh BCP

Parameter	TSS (mg/l)	TP (mg/l)	Nitrate – N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)	D.O. (mg/l)
Median	4.0	0.17	1.80	2.43	0.08	8.85
95% C.L. (EWQ Target)	6.0	0.24	2.00	2.74	0.09	8.39*

* DO EWQ target is the lower 95% confidence limits around the mean

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 (NH₃ N, DO, FC, NO₃ 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) for all NPDES permitted dischargers with permitted flows equal to or greater than (≥) 10,000 gpd within the LR-WQM domain.

The model assumes 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 contaminants for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 LR-WQM included data from 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 EPA Technical Guidance for Developing TMDLs.

Commission staff updated the 2009 LR-WQM in 2011, referred to as the April 2011 LR-WQM, to reflect data collected since 2009 and to include additional NPDES-discharger (existing and

proposed) information not included in the 2009 LR-WQM. Commission staff established the estimated actual discharge at the time of SPW designation for each existing facility, based on discharger data from 2000-2005, referred to as the 2005 estimated flows and loads, and recalibrated the model to match the 2005-EWQ at the Lehigh BCP (See TABLE B-1). The 2005 estimated flow and loads for the Bath Borough WWTP were established in Docket No. D-1988-051 CP-2, using historical effluent flow and concentration data, and Commission staff BPJ where historical data was not available (See TABLE B-2 below). The 2005 estimated loads (in TABLE B-2 below) are calculated using the 2005 estimated flow (0.253 mgd) and the concentrations listed in TABLE B-2 below.

TABLE B-2: Bath Borough WWTP 2005 Estimated Loads

Parameter	TSS *	TP **	Nitrate –N **	TN *	Ammonia – N **
Concentration	6.47 mg/l*	4.0 mg/l**	2.0 mg/l**	3.17 mg/l*	2.5 mg/l**
Load	13.65 lbs/day	8.44 lbs/day	4.22 lbs/day	6.69 lbs/day	5.28 lbs/day

* Historical concentration reported by docket holder

** Estimated concentration using Commission staff BPJ

Commission staff then ran the LR-WQM in order to determine the equal effluent concentration (EEC) for each SPW parameter for the incremental flow of each facility necessary to demonstrate NMC to EWQ. The incremental flow is the permitted or proposed flow minus the 2005 estimated flow. The incremental load is based on the incremental flow at the EEC. The total allowable load is the 2005 estimated load plus the incremental load. The EECs as determined by the April 2011 LR-WQM (and established in Docket No. D-1988-051 CP-2) are as follows:

Table B-3: April 2011 LR-WQM Equal Effluent Concentrations

	TSS (mg/l)	TP (mg/l)	Nitrate –N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)
EEC	30	2.47	12.4	20.77	1.26

The Bath Borough WWTP 2005 estimated load, incremental load and total allowable load are as follows:

TABLE B-4: Bath Borough WWTP Flow and Loads

	Flow	TSS	TP *	Nitrate –N	TN	Ammonia – N
2005 estimated	0.253 mgd	13.65 lbs/day	8.44 lbs/day	4.22 lbs/day	6.69 lbs/day	5.28 lbs/day
Incremental	0.257 mgd	64.35 lbs/day	5.30 lbs/day	26.60 lbs/day	44.55 lbs/day	2.70 lbs/day
Total Allowable	0.51 mgd	78 lbs/day	13.74 lbs/day*	30.82 lbs/day	51.24 lbs/day	7.98 lbs/day

The total allowable effluent limits in TABLE B-4 above are included as requirements in EFFLUENT TABLE A-2 in Section A.4.d. of this docket and go into effect once the proposed WWTP goes into operation. Since EWQ was established based on May through September data, the above total allowable loads are for May through September only. * The docket holder is required to meet

PADEP's more stringent total phosphorous effluent load limit of 8.5 lbs/day contained in NPDES Permit No. PA0020206.

The equivalent design concentrations associated with the above total allowable load limits based on the design flow of 0.51 mgd are listed in TABLE A-3 of Section A.4.d. of this docket and repeated below. These concentrations are for information purposes only; the docket holder will be limited to the effluent requirements in EFFLUENT TABLE A-2 after the proposed WWTP goes into operation.

Design Concentrations for the Proposed WWTP

PARAMETER	DESIGN CONCENTRATION
Total Suspended Solids	18.3 mg/l
Ammonia Nitrogen	1.9 mg/l
Total Nitrogen	12.0 mg/l
Nitrate as N	7.2 mg/l

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 in the drainage area to the SPW. Since this project does entail additional construction and expansion of facilities/service area and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time. Accordingly, DECISION Condition C.II.p. has been included in this docket.

Near the project site, Monocacy Creek has an estimated seven-day low flow with a recurrence interval of ten years of 0.13 mgd (0.2 cfs). The ratio of this low flow to the average design wastewater discharge (0.51 mgd) from the WWTP is approximately 0.25 to 1.

The nearest surface water intake of record for public water supply is the Point Pleasant Intake located on the Delaware River approximately 50 river miles downstream of the docket holder's WWTP discharge, and is operated by the North Penn Water Authority.

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 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-1988-051 CP-3 below:

- a. The projects described in Docket Nos. D-1964-023 CP-1 and D-1988-051 CP-2 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1988-051 CP-3; and
- b. Docket Nos. D-1964-023 CP-1 and D-1988-051 CP-2 are terminated and replaced by Docket No. D-1988-051 CP-3; and
- c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the 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.
- 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 *Flood Plain Regulations (FPR)*.
- 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 on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.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. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams.

h. 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.

i. 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; and (2) indicate the date on which the project was (or is to be) placed in operation.

j. The WWTP modifications shall be completed within three years of the approval date 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.

k. 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.

l. The docket holder shall discharge wastewater 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.

m. 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).

n. 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.

o. 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.

p. In accordance with Section 3.10.3A.2.e. of the Commission's *WQR*, the docket holder shall approve no connections from any service area or new development within the service area

identified in Section A.3. of this docket without first obtaining from the DRBC Project Review Section written confirmation that a NPSPCP approved by the Commission is in place for the service area or development to be served. Prior to construction of the proposed WWTP modifications, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP for any construction proposed at the wastewater treatment plant site.

q. The docket holder shall prepare an emergency management plan (EMP) within 6 months of docket approval (or upon completion of the proposed WWTP, whichever occurs first.) The docket holder shall submit the EMP to the Commission by March 13, 2018.

r. 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.

s. 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).

t. 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).

u. 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).

v. 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.

w. 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.

x. 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.

y. 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.

z. 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: September 13, 2017

EXPIRATION DATE: August 31, 2022