

DOCKET NO. D-1991-027 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to the Drainage Area to Special Protection Waters

**Mount Pocono Municipal Authority
Wastewater Treatment Plant & Spray Irrigation Facility
Borough of Mount Pocono, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by RKR Hess, on behalf of the Borough of Mount Pocono (docket holder) on April 2, 2015 (Application), for review of the docket holder's wastewater treatment plant (WWTP) upgrade and expansion and its proposed new land discharge via spray irrigation. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0044997 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on June 11, 2012. The docket holder has submitted a Water Quality Management (WQM or Part II) permit application for the WWTP modification and new construction of spray discharge facilities to the PADEP. Review of the Part II permit application by the PADEP is pending.

The Application was reviewed for addition of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact (Compact)*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 15, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an upgrade and expansion of the docket holder's existing WWTP. The project consists of upgrading the existing headworks and sequencing batch reactors (SBRs) and constructing a new influent equalization tank, decant equalization tank, post-aeration tank, cooling system, and spray irrigation facilities. The WWTP will also be expanded from 0.40 million gallon per day (mgd) to 0.50 mgd. After the WWTP improvements and spray irrigation facilities are constructed, the WWTP will: 1) discharge treated effluent to Forest Hills Run between November 16 and March 14; 2) discharge treated effluent to Forest Hills Run between March 15 and November 15 when conditions are unsuitable for land discharge; and 3) land discharge via spray irrigation between March 15 and November 15 when conditions are suitable for land discharge.

2. Location. The project WWTP is located on Pennsylvania State Route 611, between its crossing of Forest Hills Run and an existing railroad now or formerly owned by the Monroe County Railroad Authority, in the Borough of Mount Pocono, Monroe County, Pennsylvania. After the upgrades are complete, between November 16 and March 15, and when conditions for spray irrigation are unsuitable, the WWTP will discharge treated WWTP effluent to Forest Hills Run, which is tributary to Paradise Creek, which is tributary to Brodhead Creek, at River Mile 213.0 - 10.6 - 4.4 - 4.9 (Delaware River - Brodhead Creek - Paradise Creek - Forest Hills Run) via Outfall No. 001. The proposed WWTP land discharge will be to new spray areas to be located in the Forest Hills Run watershed. The existing WWTP surface water discharge and proposed spray irrigation land discharge are located in the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Water (SPW).

The project WWTP and proposed spray areas are located in the Forest Hills Run watershed as follows:

DISCHARGE LOCATION	LATITUDE (N)	LONGITUDE (W)
Outfall No. 001 (Forest Hills Run outfall)	41° 06' 55"	75° 21' 06"
Spray Area E1 (Phase I)	41° 06' 41"	75° 21' 17"
Spray Area F1 (Phase I)	41° 06' 47"	75° 21' 34"
Spray Area H1 (Phase II)	41° 06' 50"	75° 21' 27"
Spray Area J1 (Phase III)	41° 06' 29"	75° 21' 04"
Spray Area J2 (Phase III)	41° 06' 32"	75° 21' 10"

3. Area Served. The project WWTP will continue to serve Mount Pocono Borough and two (2) developments in Coolbaugh Township (the Summit Point Development and Pocono Mountain Industrial Park) in Monroe 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 WWTP will be expanded from 0.40 mgd to 0.50 mgd and will continue to utilize an SBR treatment process with ultraviolet light (UV) disinfection. The project includes the phased construction of new spray irrigation facilities and a cooling system, along with improvements to the existing WWTP treatment process.

The docket holder's existing WWTP is permitted to discharge up to 0.40 mgd of treated effluent to Forest Hills Run. PADEP has placed Forest Hills Run on Pennsylvania's impaired list. Upon concurrence with the PADEP, if stream sampling performed indicates that Forest Hills Run has recovered, the WWTP is permitted to discharge up to 0.50 mgd of treated effluent to Forest Hills Run. The docket holder proposes to construct spray irrigation facilities in order to discharge up to 0.50 mgd.

b. Facilities. The existing WWTP facilities consist of a chemical feed system (magnesium hydroxide and alum), a bar screen and comminutor, a grit removal system, two (2) SBRs, two (2) decant equalization tanks, two (2) sand filters, a UV disinfection unit, and a utility water tank that provides post-aeration through cascade over a weir.

The proposed WWTP improvements consist of: the addition of a rotating fine screen to the headworks upstream of the existing chemical feed system; the addition of new influent equalization tank; upgrading and expanding the treatment capacity of the SBRs from 0.40 mgd to 0.50 mgd; replacing the existing decant equalization tanks with new, larger tanks; installing a new operating system; replacing the existing utility water tank with a new aerated tank; constructing a new spray irrigation system; and constructing a new cooling system.

The new spray irrigation system consists of two (2) treated effluent storage tanks, a spray irrigation pump station, five (5) spray areas referred to as Spray Areas E1, F1, H1, J1, and J2, and appurtenant piping and equipment. The WWTP upgrades will be constructed in phases. Phase I of the project consists of the upgrades and expansion of the existing treatment system, the spray irrigation tanks and piping, and Spray Area E1 and F1. Phase II consists of the construction of Spray Areas H1. Phase III consists of the construction of Spray Areas J1 & J2. Phase IV consists of the construction of the cooling system.

The docket holder intends to bid all four phases together; however, depending on the bids and available funding, the construction of Phases IV, III, and II will be delayed until the capacity is justified. The WWTP’s current average daily flow is 0.18 mgd and maximum monthly flow is 0.24 mgd.

The acreage and estimated flow capacities of the proposed spray areas are as follows:

SPRAY AREA	ACREAGE	FLOW CAPACITY
E1 (Phase I)	18.90 acres	0.137 mgd
F1 (Phase I)	33.67 acres	0.244 mgd
H1 (Phase II)	18.91 acres	0.121 mgd
J1 (Phase III)	9.38 acres	0.068 mgd
J2 (Phase III)	2.59 acres	0.019 mgd
Total	83.45 acres	0.589 mgd

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 an emergency generator installed capable of providing emergency power. The docket holder indicated in the Application that emergency generators will be installed at the proposed WWTP facilities. (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 WWTP has an auto dialer installed that continuously monitors plant operations. (SPW)

The docket holder’s existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) for the existing and proposed WWTP in accordance with Commission SPW requirements. (SPW)

The docket holder’s existing wastewater treatment facility does not discharge to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume in accordance with the Commission’s SPW requirements. (SPW)

The docket holder’s existing wastewater treatment facility is not a direct discharger to SRW and is not required to provide “Best Demonstrable Technology” (BDT) as a minimum level of treatment in accordance with the Commission’s SPW requirements. (SPW)

The project facilities are not located in the 100-year floodplain.

Waste 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 is provided by groundwater wells that are owned and operated by Pennsylvania American Water Company, as described in detail in Docket No. D-1998-016 CP-3, which was approved by the DRBC on July 13, 2011.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0044997 was issued by the PADEP on June 11, 2012 and includes effluent limitations for the project discharge to Forest Hills Run, which is classified by the PADEP as High Quality – Cold Water Fishery (HQ-CWF). The docket holder submitted a WQM (Part II) permit application to the PADEP for the WWTP improvements and installation of five (5) spray areas. Review of the permit application by the PADEP is pending. PADEP has indicated that the land discharge via spray irrigation will be required to meet the effluent limits required for the surface water discharge to Forest Hills Run included in the NPDES permit, as indicated in EFFLUENT TABLES A-1 & A-2 below.

The following average monthly effluent limits, based on a flow up to 0.40 mgd, and are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit for a flow up to 0.40 mgd

PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids	30 mg/l; 100 lbs/day	As required by NPDES permit
CBOD (5-Day at 20° C)	10 mg/l; 33 lbs/day	As required by NPDES permit
Ammonia-Nitrogen		As required by NPDES permit

PARAMETER	LIMIT	MONITORING
5/01-10/31	2.7 mg/l; 9.0 lbs/day	
11/01-4/30	8.1 mg/l; 27.0 lbs/day	
Fecal Coliform		
5/01-9/30	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
10/01-4/30	2,000 colonies per 100 ml as a geo. avg.	
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by NPDES permit
Total Phosphorous	1.0 mg/l; 3.3 lbs/day	As required by NPDES permit
Nitrate+Nitrite as N	13.8 mg/l; 46 lbs/day	As required by NPDES permit

The following average monthly effluent limits, based on a flow up to 0.50 mgd, are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-2: DRBC Parameters Included in NPDES Permit for a flow greater than 0.40 mgd and up to 0.50 mgd

PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids	30 mg/l; 125 lbs/day	As required by NPDES permit
CBOD (5-Day at 20° C)	10 mg/l; 41 lbs/day	As required by NPDES permit
Ammonia-Nitrogen		
5/01-10/31	2.7 mg/l; 11.0 lbs/day	As required by NPDES permit
11/01-4/30	8.1 mg/l; 33.0 lbs/day	
Fecal Coliform		
5/01-9/30	200 colonies per 100 ml as a geo. avg.	As required by NPDES permit
10/01-4/30	2,000 colonies per 100 ml as a geo. avg.	
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by NPDES permit
Total Phosphorous	1.0 mg/l; 4.1 lbs/day	As required by NPDES permit
Nitrate+Nitrite as N	13.8 mg/l; 57 lbs/day	As required by NPDES permit

The following average monthly effluent monitoring requirements for the surface water discharge to Forest Hills Run are not listed in the NPDES Permit and are a requirement of the DRBC. The requirements go into effect upon issuance of this docket.

EFFLUENT TABLE A-3: DRBC Parameters Not Included in NPDES Permit, for flow up to 0.40 mgd; and for flow greater than 0.40 mgd and up to 0.50 mgd

OUTFALL NO. 001 (Forest Hills Run)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	Monthly
Total Kjeldahl Nitrogen (TKN)	Monitor & Report	Monthly
CBOD (5-Day at 20° C) Influent	Monitor & Report	Monthly

* See DECISION Condition II.v.

- e. **Cost.** The overall cost of this project is estimated to be \$9,475,100.00.
- f. **Relationship to the Comprehensive Plan.** The project WWTP was added to the Comprehensive Plan via DRBC Docket No. D-1970-050 CP-1 on May 27, 1971 and modified via Docket No. D-1991-027 CP-1 on May 12, 1991.

B. FINDINGS

This docket approves an upgrade and expansion of the docket holder's existing WWTP. The existing WWTP treats domestic wastewater influent through an SBR treatment system and discharges treated effluent to Forest Hills Run. The docket holder proposes to upgrade the WWTP, which consists of improvements to the existing treatment system, the construction of spray irrigation facilities for land discharge to proposed spray areas (under certain conditions); and an expansion from 0.40 million gallon per day (mgd) to 0.50 mgd. After the WWTP improvements and spray irrigation facilities are constructed, the WWTP will be permitted to land discharge up to 0.50 mgd via the new spray irrigation facilities. Prior to discharging greater than 0.40 mgd to Forest Hills Run, the docket holder is required to obtain PADEP approval (see below).

The docket holder's WWTP will discharge treated effluent to Forest Hills Run between November 16 and March 14. The proposed land discharge via spray irrigation will occur between March 15 and November 15, when conditions are suitable for spray irrigation. The WWTP will discharge treated effluent to Forest Hills Run between March 15 and November 15 when conditions are unsuitable for spray irrigation (see below).

Project History

Forest Hills Run, the receiving stream for the WWTP effluent, is on PADEP's Impaired Streams List. In 2010, two (2) citizen groups, the Brodhead Watershed Association and Citizens for Pennsylvania's Future, filed a lawsuit against the docket holder for exceeding effluent limitations in the NPDES permit. In order to settle the lawsuit, the docket holder agreed to the following requirements, which were included in a Pennsylvania Consent Decree signed by the citizens groups and the docket holder on February 28, 2012.

- 1) Establish a stream sampling program in Forest Hills Run, purchase land for stream irrigation, revise the docket holder's Act 537 Plan, design and install a spray irrigation system in three (3) phases to spray discharge treated effluent under suitable conditions and stream discharge treated effluent to Forest Hills Run under unsuitable conditions, and design and install a cooling system (fourth phase).
- 2) The stream discharge to Forest Hills Run is limited to an average monthly flow of 0.40 mgd unless the stream recovers per the protocols of the Consent Decree.
- 3) If the stream recovers per the protocols of the Consent Decree, the WWTP is permitted to discharge an average annual flow up to 0.50 mgd during non-spray days.
- 4) The discharge to Forest Hills Run is limited to an average annual flow of 0.50 mgd.

The Consent Decree indicates the following as non-spray days:

- Unusual heavy precipitation conditions between March 15 and November 15
- Unusual winter-like conditions between March 15 and November 15
- A land application system failure; or
- The docket holder has land applied treated wastewater from the facility to the property to the greatest extent that the Authority's Water Quality Management Part II Permit and site conditions allow.

The protocols of the Consent Decree for a stream discharge greater than 0.40 mgd to Forest Hills Run consist of attaining a specific bioassessment benthic invertebrate score and aquatic life use at monitoring points on Forest Hills Run designated in the above-mentioned stream sampling program. The protocols are also stipulated in the NPDES permit for flows to Forest Hills Run greater than 0.40 mgd and up to 0.50 mgd. If the stream sampling indicates that the protocols are met, the docket holder is required to notify the DRBC in writing prior to discharging greater than 0.40 mgd to Forest Hills Run (See DECISION Condition II.q.).

Special Protection Waters (SPW) Requirements

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 *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. (Upper/Middle SPW)

The project discharge is located in the drainage area to the Middle 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 (NH₃-N); dissolved

oxygen (DO); fecal coliform (FC); nitrate (NO₃-N) or nitrite + nitrate (NO₂-N+ NO₃-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 and is subject to the no measurable change (NMC) to existing water quality (EWQ) requirement. Since the docket holder’s WWTP will land discharge via spray irrigation to proposed spray areas after the upgrade and expansion, the increase in flow and load from the WWTP as a result of the project is not expected to cause a measurable change to existing water quality of the receiving surface water body.

Natural Treatment Alternatives (NTA) Analysis

Section 3.10.3.A.2.c.2) of the Commission’s *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions “may be approved only after the applicant demonstrates that it has fully evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility.” The docket holder proposes to construct a spray irrigation facility, which is considered a natural wastewater treatment technology.

Grandfathered Loads

TABLE B-1 contains the seasonal grandfathered loads that have been developed by the DRBC for the docket holder’s WWTP based on its available effluent data. Note: the grandfathered loads are based on monthly average effluent flow data from 1987-1991, as provided by the docket holder. Monthly average effluent concentration data is from 1999-2003, as provided by the docket holder.

Table B-1: Grandfathered Loads

Season	Flow (mgd)	BOD5 (lbs/day)	TSS (lbs/day)	Phosphorous (lbs/day)	Ammonia as N (lbs/day)	Nitrite + Nitrate as N (lbs/day)	TKN (lbs/day)
May - September	0.22	*	6.5	0.65	1.5	5.0	*
October - April	0.19	*	4.8	0.38	1.3	5.3	*

* No effluent data available for this parameter

Non-Point Source Pollution Control Plan

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 expansion of facilities and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time.

The stormwater management ordinance requirements contained in the Brodhead-McMichael Creek Watershed Act 167 Plan (Act 167 Plan), approved by the PADEP on March 10, 2006, satisfy the NPSPCP of the Commission. Mount Pocono Borough has adopted and implemented a stormwater ordinance in accordance with the Act 167 Plan. Coolbaugh Township has not adopted a stormwater ordinance that meets the NPSPCP requirements of the Commission. Prior to allowing any new service connections from Coolbaugh Township, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with DRBC requirements for the portion of the service area located in Coolbaugh Township to be connected to the WWTP (see DECISION Condition II.r.).

At the project discharge location, Forest Hills Run has an estimated seven-day low flow with a recurrence interval of ten years of 0.26 mgd (0.40 cfs). The ratio of this low flow to the average design discharge (0.40 mgd or 0.62 cfs) from the WWTP is 0.65:1.

The nearest surface water intake of record for public water supply downstream of the project discharge is the Brodhead Creek Regional Authority intake, located on the Brodhead Creek approximately 14 miles downstream of the project discharge.

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-1991-027 CP-2 below:

a. The projects described in Docket Nos. D-1970-050 CP-1 and D-1991-027 CP-1 are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1991-027 CP-2; and

b. Docket Nos. D-1970-050 CP-1 and D-1991-027 CP-1 are terminated and replaced by Docket No. D-1991-027 CP-2; 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 and Part II 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* and Flood Plain Regulations (*FPR*).

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLE 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/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 (3) 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 the WWTP discharging an annual average flow greater than 0.40 mgd to Forest Hills Run, the docket holder is required to notify the DRBC in writing.

r. Prior to allowing new connections in Coolbaugh Township, 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* for the portion of the service area located in Coolbaugh Township to be connected to the WWTP.

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.

x. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP 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 final 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.

BY THE COMMISSION

DATE APPROVED: September 16, 2015

EXPIRATION DATE: June 30, 2022