DOCKET NO. D-2015-005 CP-1

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

MHC Lil Wolf, LP
Li'l Wolf MHP Wastewater Treatment Plant
North Whitehall Township, Lehigh County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Light-Heigel & Associates, Inc. (LH or Engineer) on behalf of MHC Lil Wolf, LP (MHCLW or docket holder) on February 26, 2015 (Application), for renewal of the docket holder's existing Li'l Wolf mobile home park (MHP) wastewater treatment plant (WWTP) and its discharge, as well as approval to expand the WWTP. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0034746 for the existing facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 10, 2008, effective February 1, 2008, and amended February 9, 2012. The docket holder submitted an application to the PADEP dated May 2013 in June 2013 for Water Quality Management Permit approval related to the proposed expansion. The PADEP issued a draft NPDES Permit with effluent limits for the existing and proposed facilities on January 8, 2015, pending WQM Permit and DRBC approval.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley 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 renew approval of the docket holder's existing 0.038 million gallons per day (mgd) WWTP and its discharge, as well as approve a proposed expansion to 0.07 mgd.

2. Location. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Coplay Creek at River Mile 183.66 - 21.05 - 9.86 - 0.62 (Delaware River – Lehigh River – Coplay Creek – UNT) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in the North Whitehall Township, Lehigh County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 39' 3"	75° 35' 16"

3. **Area Served**. The docket holder's WWTP will continue to serve the Li'l Wolf MHP located in North Whitehall Township, Lehigh 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 will continue to operate its existing 0.038 mgd WWTP. The WWTP currently operates at flows higher than it is permitted. The expansion to 0.07 mgd is to approve a modified/expanded WWTP designed to hydraulically treat the current flows at the WWTP.

b. **Facilities**. The existing WWTP consists of a comminutor, a headworks pump station, an equalization basin, an aeration chamber, a clarifier, a sludge holding tank, and a chlorination tank.

The expanded WWTP will consist of primary screening devices, a flow equalization chamber, an anoxic chamber, an aeration chamber, a clarifier, filter cells, a sludge holding tank, and ultraviolet (UV) disinfection.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power [Section 3.10.3A.2.d.1) of the Commission's *Water Quality Regulations* (*WQR*)]. The docket holder's existing facility has a standby power source. The docket holder is required as part of the expansion to modify the standby power source as necessary to ensure it is sufficient to power the expanded WWTP (See DECISION Condition II.q.).

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 [Section 3.10.3A.2.d.2) of the Commission's *WQR*]. The existing WWTP does not have a remote alarm system installed that continuously monitors plant operations. The docket holder is required as part of the expansion to install a remote alarm system that will continuously monitor plant operation. Should the docket holder not complete construction of the expanded WWTP within three (3) years, a remote alarm system shall be installed at the existing WWTP (See DECISION Conditions II.k. and II.q.).

The docket holder's wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission SPW requirements [Section 3.10.3A.2.d.4) of the Commission's *WQR*].

The docket holder has satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies in accordance with the Commission's SPW requirements [Section 3.10.3A.2.d.8)(b) of the Commission's *WQR*]. A report was submitted as part of the Application that concluded that land was not available for such alternatives. Commission staff agree with this conclusion.

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

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 on-site groundwater well system whose pump capacity will not allow withdrawals above 100,000 gallons per day (gpd) and therefore does not require Commission approval.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0034746 for the existing WWTP was issued by the PADEP on January 10, 2008 (effective February 1, 2008, amended February 9, 2012) and includes final effluent limitations for the project discharge of 0.038 mgd to surface waters classified by the PADEP as cold water fisheries (CWF). A draft Permit was issued on January 8, 2015 for renewal of the existing WWTP and also contained effluent limits for the proposed expansion. The following average monthly effluent limits are among those listed in the draft NPDES 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 draft NPDES Permit

OUTFALL 001 (Existing WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	3.0 mg/l (Minimum)	As required by NPDES Permit
$CBOD_5$ (at 20^o C) (5-1 to 10-31) (11-1 to 4-30)	10 mg/l 20 mg/l	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Phosphorous	Monitor & Report	As required by NPDES Permit
Nitrate + Nitrite as N	Monitor & Report	As required by NPDES Permit
Total Nitrogen	Monitor & Report	As required by NPDES Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the draft NPDES Permit, but are Commission basin-wide parameters that must be met as a condition of this docket approval. Commission staff have requested PADEP include these parameters in their renewed Permit. Monitoring shall begin October 1, 2015 for each parameter (See DECISION Condition II.d.).

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Existing WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	Monitor & Report	Quarterly
$CBOD_5$ (at 20° C) Influent	Monitor & Report	Weekly

* See DECISION Condition II.v.

The average monthly effluent limits located in EFFLUENT TABLE A-3 are among those listed in the draft NPDES Permit for the expanded 0.07 mgd WWTP and meet or are more stringent than the effluent requirements of the DRBC. Commission staff have requested that PADEP finalize these parameters when the Permit is renewed. Monitoring shall begin for each parameter once the expanded WWTP becomes operational (See DECISION Condition II.d.).

EFFLUENT TABLE A-3: DRBC Parameters Included in draft NPDES Permit

OUTFALL 001 (Expanded 0.07 mgd WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	6.0 mg/l (Minimum)	As required by NPDES Permit
$CBOD_5$ (at 20° C)	10 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Nitrate + Nitrite as N	Monitor & Report	As required by NPDES Permit
Total Nitrogen	5.0 mg/l	As required by NPDES Permit

The average monthly effluent limits located in EFFLUENT TABLE A-4 are not listed in the draft NPDES Permit, but are Commission basin-wide parameters that must be met as a condition of this docket approval. Commission staff have requested PADEP include these parameters in their renewed Permit. Monitoring shall begin for each parameter once the expanded WWTP becomes operational (See DECISION Condition II.d.).

EFFLUENT TABLE A-4: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Expanded 0.07 mgd WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	Monitor & Report	Monthly
$CBOD_5$ (at 20° C) Influent	Monitor & Report	2/Month
$CBOD_5$ (at 20° C)	85% Removal	2/Month
Ammonia Nitrogen (5-1 to 9-30) (10-1 to 4-30)	0.63 lbs/day 1.89 lbs/day	2/Month
Phosphorous (5-1 to 9-30) (10-1 to 4-30)	1.2 lbs/day 2.4 lbs/day	Monthly

* See DECISION Condition II.v.

To protect water quality in SPW, the DRBC has based effluent limits for SPW parameters on loadings of pollutants to the receiving stream rather than concentrations. For the docket holder's information, the corresponding May through September concentration associated with the SPW loading for Ammonia at the full permitted discharge flow of 0.07 mgd is as follows:

PARAMETER	CONCENTRATION
Ammonia Nitrogen	1.09 mg/l
Phosphorous	2.07 mg/l

The average monthly effluent limit located in EFFLUENT TABLE A-5 is not listed in the draft NPDES Permit, but is a Commission basin-wide parameter that must be met as a condition of this docket approval. Commission staff have requested PADEP include this parameter in their renewed Permit. Monitoring shall begin for this parameter two (2) years after the expanded WWTP becomes operational (See DECISION Condition II.d.).

EFFLUENT TABLE A-5: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Expanded 0.07 mgd WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	1,000 mg/l	Quarterly

* See DECISION Conditions II.v. and II.y.

e. **Cost**. The overall cost of this project is estimated to be $985,210.

f. **Relationship to the Comprehensive Plan**. Issuance of this docket will incorporate the docket holder's existing 0.038 mgd WWTP and expanded 0.07 mgd WWTP in the Comprehensive Plan (See DECISION Condition I.).

B. BACKGROUND

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.

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 (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. The docket holder is required to submit Final Plans and Specifications for the WWTP, including pre and post construction best management practices (BMP), to the Commission's Executive Director for

review and approval prior to the start of construction to satisfy this requirement. Accordingly, DECISION Conditions II.r. and II.x. have been included in this docket.

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."

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

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

The determination of no measurable change (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. Historical water quality observations were used by Commission staff to define EWQ for the BCP, and were derived from EPA Storet [PADEP, United States Geological Survey (USGS), etc.] data for 2003-2006. The EWQ that is protected at the BCP is that which existed at the time of SPW classification in 2005 (2005-EWQ).

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

The 2009 LR-WQM's domain included the watershed downstream of the Lehigh Water Gap. The 2009 LR-WQM was calibrated using in-stream water quality data sets from 2004 and 2005 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumes that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those 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 sixty-one (61) existing facilities. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the EPA Technical Guidance for Developing TMDLs.

To determine compliance with the NMC requirement, Commission staff used the 2009 LR-WQM to evaluate several discharge scenarios. These scenarios included all 61 NPDES permitted dischargers with permitted flows equal to or greater than (≥) 10,000 gpd within the LR-WQM domain.

The model was used to predict in-stream concentrations of TSS, TP, NO_3 N, NH_3 N, TN and DO under different discharge scenarios for the Bath Borough Authority (BBA) WWTP.

Commission staff updated the 2009 LR-WQM in April 2011 (referenced as April 2011 LR-WQM) to reflect data collected since 2009 and to reflect a project expected to be constructed in the watershed within a few years of issuance. Commission staff also established the grandfathered load for each existing facility (based on 2004 and 2005 discharges). As such, the April 2011 LR-WQM was recalibrated with this data. The Kidspeace WWTP was incorporated as an existing facility for the purpose of establishing effluent limits for other in-house facilities. The updated model used to establish loads for the Blue Mountain Ski Area (BMSA) WWTP expansion is referenced as the May 2013 LR-WQM and contains sixty-three (63) dischargers.

To determine the net potential impacts to the 2005-EWQ (See Table B-1) at the Lehigh BCP as a result of the in-house facility discharges at that time, Commission staff first used the May 2013 LR-WQM to establish grandfathered loadings for all facilities that were in existence in 2005.

Table B-1: 2005-EWQ

Model Run	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	2.0	2.74	0.09	9.2

Commission staff then analyzed each facility as it was permitted to discharge and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table B-2).

Table B-2: May 2013 EEC

	TSS (mg/l)	TP (mg/l)	Nitrate –N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)
EEC	30	1.99	18.01	20.7	1.19

C. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.038 mgd WWTP and its discharge, as well as approve modifications to the WWTP that will result in an expansion of the WWTP to 0.07 mgd.

LR-WQM

Commission staff have updated the May 2013 LR-WQM in July 2015 (July 2015 LR-WQM), to reflect updated data collected since the last model revision. Commission staff also established the grandfathered loads for several facilities that previously did not have sufficient data to do so.

To determine the net potential impacts to the 2005-EWQ at the BCP as a result of the in-house facility discharges, Commission staff first used the July 2015 LR-WQM to establish grandfathered loadings for those facilities that were not set as part of the May 2013 LR-WQM update. Commission staff then analyzed each facility as it is permitted to discharge today and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table C-1).

Table C-1: July 2015 LR-WQM EEC

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

The docket holder's grandfathered loads are located in Table C-2 below and were estimated using BPJ due to the docket holder's lack of discharge data and misreporting in the past. The effluent limits located in EFFLUENT TABLEs A-3 and A-4 above are derived from the weighted average of the grandfathered loads in Table C-2 (associated with a flow of 0.038 mgd) and the incremental load calculated using the July 2015 LR-WQM EEC in Table C-1 (associated with a flow of 0.032 mgd). As the WWTP reaches its expected flow it will need to produce effluent concentrations equivalent to or less than those indicated under EFFLUENT TABLE A-4 above in order for the docket holder to meet its corresponding load.

Table C-2: Li'l Wolf MHP WWTP's Grandfathered Loads

	TSS (lbs/day)	TP (lbs/day)	Nitrate –N (lbs/day)	TN (lbs/day)	Ammonia – N (lbs/day)
May-Sept.*	1.59	0.55	5.74	6.6	0.38

* Loadings are associated with a flow of 0.038 mgd

The Commission's model predicted that the effluent limits in the PADEP's draft NPDES Permit will be more limiting for all SPW parameters except Ammonia. On August 24, 2015 the PADEP issued a final Permit that was later rescinded. That Permit included a Monitor & Report for Phosphorous, which was different than the draft limit of 0.5 mg/l. The Commission's limit for Phosphorous developed through the July 2015 LR-WQM of 1.21 lbs/day (May-September) will also be enforced. Commission staff have requested PADEP include the Commission's effluent limits (See EFFLUENT TABLE A-4) for Ammonia and Phosphorous in the re-published NPDES Permit.

TDS

The Commission's basin-wide TDS effluent limit is 1,000 mg/l (Section 3.10.4.D.2. of the Commission's *WQR*). The Commission's basin-wide in-stream TDS criteria is that 1) the receiving stream's resultant TDS concentration be less than 133% of the background (Section 3.10.3.B.1.b. of the Commission's *WQR*), and 2) the receiving stream's resultant TDS concentration be less than 500 mg/l (Section 3.10.3.B.1.c. of the Commission's *WQR*).

The 133% of the background TDS requirement is for the protection of aquatic life. The 500 mg/l TDS requirement is to protect the use of the receiving stream as a drinking water source. The EPA's Safe Drinking Water Act's secondary standard for TDS is 500 mg/l.

The docket holder's Engineer has informed Commission staff that it has been determined that the Commission's TDS standard will be met by the expanded 0.07 mgd WWTP. Prior to this statement the Application included the potential for the docket holder to install reverse osmosis (RO) to meet the Commission's standard. Should effluent quality data (See DECISION Condition II.d.) indicate that the Commission's basin-wide TDS effluent limit of 1,000 mg/l cannot be met, the docket holder will be required to install a system whose technology can remove TDS in order to meet the limit. The Commission's 1,000 mg/l basin-wide effluent limit for TDS goes into effect two (2) years after operation of the expanded WWTP has occurred (See EFFLUENT TABLE A-5).

Other

According to the USGS Streamstats program the UNT of Coplay Creek at the docket holder's WWTP discharge has an estimated seven-day low flow with a recurrence interval of ten years ($Q_{7\text{-}10}$) of less than 0.1 cubic feet per second (cfs) and is therefore classified as an intermittent stream by the Commission.

The nearest surface water intake of record for public water supply is located on the Lehigh River approximately 14 River Miles downstream of the docket holder's WWTP, and is owned by the City of Allentown.

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*.

D. DECISION

I. Effective on the approval date for Docket No. D-2015-005 CP-1 below, 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 WQM 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** on the **Annual Effluent Monitoring Report Form** located at this web address: http://www.state.nj.us/drbc/programs/project/application/index.html. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

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

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

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

k. The WWTP 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 Commission's approval of the modifications/expansion expire 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. Should the modifications to the WWTP not be complete within three (3) years, the docket holder shall install remote alarm controls at the existing WWTP in order to comply with the Commission's SPW requirements.

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. The docket holder shall modify the on-site standby power accordingly to provide power to the expanded WWTP. The docket holder shall also install remote alarm controls for the "expanded" 0.07 mgd WWTP during construction.

r. The docket holder shall submit Final Plans & Specifications for the expanded 0.07 mgd WWTP to the Commission's Executive Director for review and approval prior to the start of construction at the site. The Final Plan & Specifications shall include a pre and post stormwater construction plan that meets the Commission's NPSPCP requirements.

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.

y. Should effluent quality data (See DECISION Condition II.d.) indicate that the Commission's basin-wide TDS effluent limit of 1,000 mg/l can not be met, the docket holder will be required to install a system whose technology can remove TDS in order to meet the limit. The Commission's 1,000 mg/l basin-wide effluent limit for TDS goes into effect two (2) years after operation of the expanded WWTP has occurred (See EFFLUENT TABLE A-5).

BY THE COMMISSION

DATE APPROVED: **September 16, 2015**

EXPIRATION DATE: **September 16, 2020**