

DOCKET NO. D-2008-023-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Tuthill Corporation d/b/a Blue Mountain Ski Area
Blue Mountain Ski Area Wastewater Treatment Plant
Lower Towamensing Township, Carbon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by EMS Environmental Inc. on behalf of Tuthill Corporation d/b/a Blue Mountain Ski Area (BMSA or docket holder) on January 20, 2015 (Application), for renewal of the docket holder's existing BMSA wastewater treatment plant (WWTP) and its discharge, as well as its expansion. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0063428 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 20, 2011, effective February 1, 2011. PADEP is expected to renew the Permit shortly. The PADEP issued Water Quality Management (WQM) Permit No. 1311401 for the expansion on July 31, 2013.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Carbon County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 10, 2015.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.06 million gallons per day (mgd) WWTP, its expansion to 0.28 mgd, and the WWTP's continued discharge.
- Location.** The WWTP will continue to discharge treated effluent to Aquashicola Creek at River Mile 183.66 – 36.32 – 5.73 (Delaware River – Lehigh River – Aquashicola Creek) via Outfall No. 002, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in Lower Towamensing Township, Carbon County, Pennsylvania as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|--------------------|---------------------|----------------------|
| 002 | 40° 49' 00" | 75° 31' 47" |

3. **Area Served.** The docket holder's WWTP will continue to receive and treat wastewater flows from the existing BMSA facility located in Lower Towamensing Township, Carbon County, Pennsylvania. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder will continue to operate its existing 0.06 mgd WWTP. This docket also renews approval of the expansion and operation of the facility to treat up to 0.28 mgd.

b. **Facilities.** The existing WWTP consists of a comminutor/bar screen, a surge tank, three (3) aeration tanks, three (3) clarifiers, two (2) sludge storage tanks, a chlorine contact tank, and a post aeration tank.

The expanded WWTP will consist of three (3) comminutors/bar screens, a surge tank, five (5) aeration tanks, five (5) clarifiers, four (4) sludge storage tanks, two (2) chlorine contact tanks, and two (2) post aeration tanks.

The docket holder's wastewater treatment facility discharges in the drainage area to waters classified as SPW and is required to have available standby power. The existing WWTP has a generator installed capable of providing standby power to the existing 0.06 mgd facility. The docket holder is required as part of the expansion to install a generator capable of providing standby power for the expanded 0.28 mgd facility (See DECISION Condition II.s.).

The docket holder's wastewater treatment facility is not/will not be staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The existing WWTP has a remote alarm system installed that continuously monitors plant operations for the 0.06 mgd facility. The docket holder is required as part of the expansion to install remote alarm systems capable of monitoring operations for the expanded 0.28 mgd facility (See DECISION Condition II.s.).

The docket holder's WWTP has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements.

The docket holder satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies as part of Dockets Nos. D-2008-23-1 and D-2008-023-3. A report was submitted as part of Docket Application No. D-2008-23-1 that concluded that the quantity of land and quality of soils at/near the site was not sufficient for natural wastewater treatment technologies. Commission staff agreed with the conclusions of the report in Docket No. D-2008-23-1 for the expansion to 0.06 mgd and the future expansion to as much as 0.3 mgd.

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 wells whose withdrawals were approved via Docket No. D-2010-026-1 on July 13, 2011.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0063428 was issued by the PADEP on January 20, 2011 (effective February 1, 2011) and includes final effluent limitations for the project discharge of 0.06 mgd and 0.28 mgd to surface waters classified by the PADEP as trout stocking, migratory fisheries (TSF/MF). 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.

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

| OUTFALL 002 (0.06 mgd & 0.28 mgd WWTP) | | |
|---|---|-----------------------------|
| 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 (at 20° C) | 25 mg/l, 85% Minimum Removal | As required by NPDES Permit |
| Fecal Coliform (5-1 to 9-30) | 200 colonies per 100 ml as a geo. avg. | As required by NPDES Permit |
| (10-1 to 4-30) | 2000 colonies per 100 ml as a geo. avg. | |

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit for the 0.06 mgd WWTP, but are Commission basin-wide and/or SPW specific parameters that were included in Docket No. D-2008-023-3 and must continue to be met as a condition of this docket approval (See DECISION Condition II.d.). Commission staff have requested PADEP include these parameters in their next Permit.

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

| OUTFALL 002 (0.06 mgd WWTP) | | |
|---------------------------------------|------------------|-------------------|
| PARAMETER | LIMIT | MONITORING |
| Total Dissolved Solids* | 1,000 mg/l | Quarterly |
| CBOD ₅ (at 20° C) Influent | Monitor & Report | Monthly |
| Dissolved Oxygen | Monitor & Report | Monthly |
| Ammonia Nitrogen | Monitor & Report | Monthly |
| Nitrate as N | Monitor & Report | Monthly |
| Total Nitrogen | Monitor & Report | Monthly |
| Phosphorous | Monitor & Report | Monthly |

* See DECISION Condition II.w.

The requirements in EFFLUENT TABLE A-3 are not listed in the NPDES Permit for the 0.28 mgd WWTP, but are Commission basin-wide and/or SPW specific parameters that were included in Docket No. D-2008-023-3 and must continue to be met as a condition of this

docket approval once the expansion is complete (See DECISION Condition II.d.). Commission staff have requested PADEP include these parameters in their next Permit.

EFFLUENT TABLE A-3: DRBC Parameters Not Included in NPDES Permit

| OUTFALL 002 (0.28 mgd WWTP) | | |
|--|----------------------------------|-------------------|
| PARAMETER | LIMIT | MONITORING |
| Total Suspended Solids* | 69.6 lbs/day | Monthly |
| Ammonia Nitrogen (5-1 to 9-30) (10-1 to 4-30) | 2.8 lbs/day Monitor & Report | Monthly |
| Nitrate as N (5-1 to 9-30) (10-1 to 4-30) | 41.8 lbs/day Monitor & Report | Monthly |
| Total Nitrogen (5-1 to 9-30) (10-1 to 4-30) | 48.1 lbs/day Monitor & Report | Monthly |
| Phosphorus (5-1 to 9-30) (10-1 to 4-30) | 4.6 lbs/day Monitor & Report | Monthly |
| Dissolved Oxygen | 6.0 mg/l (Minimum) | Monthly |
| Total Dissolved Solids* | 1,000 mg/l | Quarterly |

* See DECISION Condition II.w.

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 the parameters listed in EFFLUENT TABLE A-3 at the full permitted discharge flow of 0.28 mgd are as follows:

| PARAMETER | CONCENTRATION |
|------------------------|----------------------|
| Total Suspended Solids | 29.8 mg/l |
| Ammonia Nitrogen | 1.2 mg/l |
| Nitrate as N | 17.9 mg/l |
| Total Nitrogen | 20.6 mg/l |
| Phosphorus | 2.0 mg/l |

e. **Cost.** Docket No. D-2008-023-3 established that the overall cost of this project is estimated to be \$1,224,180.

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's existing 0.06 mgd WWTP, its expansion to 0.28 mgd, and the WWTP's continued discharge.

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 satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies as part of Docket No. D-2008-23-1. A report was submitted as part of Docket Application No. D-2008-23-1 that concluded that the quantity of land and quality of soils at/near the site was not sufficient for natural wastewater treatment technologies. Commission staff agreed with the conclusion in Docket No. D-2008-23-1 for then the expansion to 0.06 mgd and the future expansion to as much as 0.3 mgd.

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/service area (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's engineer submitted a NPSPCP on August 10, 2015 that meets the Commission's requirements. Accordingly, DECISION Conditions II.q., II.r., and II.y. have been included in this docket.

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 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, 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).

Lehigh River Water Quality Model (LR-WQM)

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 was used to analyze the impact to 2005-EWQ at the BCP from this project.

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.

In order 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 (\geq) 10,000 gpd within the LR-WQM domain at the time of creation.

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 the next couple of years. 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 said data. The Kidspace 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 docket holder's WWTP expansion is referenced as the May 2013 LR-WQM and contains sixty-three (63) dischargers.

In order 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 May 2013 LR-WQM to establish grandfathered loadings for all facilities that were in existence in 1992 (See Table C-1).

Table C-1: May 2013 LR-WQM Existing/Grandfathered Results

| 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 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-2).

Table C-2: 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 |

The docket holder's grandfathered loads are located in Table C-3 below. The effluent limits located in EFFLUENT TABLE A-3 above are derived from the weighted average of the grandfathered loads (where flow is 0.002663 mgd) and those located in table C-2 (for the difference in requested flow of 0.28 mgd, also referenced as the incremental load). 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-3 above in order for the docket holder to meet its corresponding load. These effluent loadings are required of the project WWTP to prevent a measurable change to EWQ.

Table C-3: BMSA WWTP's Grandfathered Loads

| | FLOW (mgd) | TSS (lbs/day) | TP (lbs/day) | Nitrate – N (lbs/day) | TN (lbs/day) | Ammonia – N (lbs/day) |
|------|---------------|------------------|-----------------|-----------------------------|-----------------|--------------------------|
| Load | 0.002663* | 0.156* | 0.038* | 0.136* | 0.195* | 0.059* |

* Flow and Loads data as reported by docket holder

Other

According to the United States Geological Survey (USGS) Streamstats program the Aquashicola Creek has an estimated seven-day low flow with a recurrence interval of ten years of 5.62 mgd (8.7 cfs) at the docket holder's WWTP discharge. The ratio of this low flow to the hydraulic design wastewater discharge from the docket holder's 0.28 mgd WWTP is 20 to 1.

The nearest surface water intake of record for public water supply is located on Aquashicola Creek approximately 4 River Miles downstream of the docket holder's WWTP, and is operated by the Palmerton Municipal 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 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* and *Flood Plain Regulations (FPR)*.

C. DECISION

I. Effective on the approval date for Docket No. D-2008-023-4 below, Docket No. D-2008-023-3 is terminated and replaced by Docket No. D-2008-023-4.

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 reseeded 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 expansion expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

l. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

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

n. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

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

p. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

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

r. The docket holder's NPSPCP meets the general requirements of Article 3.10.3.A.2.e.1) of the Commission's *WQR*.

s. The docket holder's wastewater treatment facility discharges within the drainage area to waters classified as SPW and is required to have available standby power and remote alarms. The docket holder shall upgrade the standby power source and remote alarm system to include the expanded facilities as part of the construction of the expanded WWTP. The docket holder shall certify in writing to the Commission that it has complied with this condition within thirty (30) days of completion of construction or by January 8, 2019, whichever occurs first.

t. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

u. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

v. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

w. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

x. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

y. Prior to the docket holder initiating 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: December 9, 2015

EXPIRATION DATE: January 31, 2021