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DOCKET NO. D-2018-007 CP-1

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Bangor Area School District

Wastewater Treatment Plant Upgrade

Upper Mount Bethel Township, Northampton County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on September 11, 2018 (Application), for approval of an existing wastewater treatment plant (WWTP) and its discharge, and approval of an upgrade to the WWTP. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0030996 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on March 5, 2018.

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 February 13, 2019.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the existing 0.023 million gallons per day (mgd) Bangor Area School District WWTP and its discharge, and to approve a project to upgrade the existing WWTP. The WWTP upgrade consists of replacing the existing extended aeration package plant that has reached the end of its useful life, with a new extended aeration package plant to be constructed adjacent to the existing plant. The WWTP design flow will remain at 0.023 mgd.

2. **Location.** The existing WWTP is located on Five Points Richmond Road in Upper Mount Bethel Township, Northampton County, Pennsylvania. The WWTP will continue to discharge treated effluent to an unnamed tributary to Jacoby Creek, at River Mile 207.5 -2.3 – 2.4 (Delaware River – Jacoby Creek - UNT Jacoby Creek), within the drainage area to the Lower Delaware Special Protection Waters (SPW).

The WWTP outfall is located in the Jacoby Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 53' 08"	75° 8' 51"

3. **Area Served.** The docket holder’s WWTP will continue to serve the Bangor Area School District, which is comprised of one high school, one middle school, and two elementary schools, in Upper Mount Bethel Township, Northampton County, Pennsylvania, For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder’s Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. DECISION.

4. **Design Criteria.** The docket holder’s existing 0.023 mgd WWTP utilizes an extended aeration treatment process. The proposed WWTP will be located adjacent to the existing WWTP, and will also utilize an extended aeration treatment process. The design flow will remain at 0.023 mgd.

5. **Facilities.** The existing WWTP facilities consist of an extended aeration package plant, a tertiary filter, and UV disinfection. The proposed WWTP facilities will consist of a headworks facility with a fine screen, a new extended aeration package plant, a tertiary filter, and UV disinfection. Three liquid chemical feed systems will feed alum, caustic soda, and a non-flammable carbon source, which will provide phosphorous removal, alkalinity control/nitrification, and denitrification, respectively. An anoxic zone will be added to the first aeration tank to assist denitrification.

The docket holder’s wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The docket holder indicated in the application that the existing WWTP has a generator capable of providing standby power, and the proposed upgraded WWTP will have a generator capable of providing standby power. (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 docket holder indicated in the application that the existing WWTP has a high water alarm and an auto dialer system, and the proposed upgraded WWTP will have a high water alarm and an auto dialer system. (SPW)

The docket holder has not prepared and implemented an emergency management plan (EMP) for the existing or proposed WWTP in accordance with Commission SPW requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 6 months of approval of this docket (See condition C.2.). (SPW)

The docket holder's natural treatment alternatives analysis concluded that suitable soil conditions were not favorable, and land was not available for constructed wetlands, overland flow, rapid infiltration, slow rate infiltration, reed beds, and Living Machines® as natural treatment options. The docket holder has demonstrated the technical and financial infeasibility of using natural wastewater treatment technologies in accordance with the Commission's SPW requirements (SPW).

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.

6. Water withdrawals. The potable water supply in the project service area is provided by groundwater wells owned by the docket holder. The groundwater withdrawal is operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval.

7. NPDES Permit / DRBC Effluent Requirements. NPDES Permit No. PA0030996 was issued by the PADEP on March 5, 2018, and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting cold water fishes, migratory fishes (CWF, MF). EFFLUENT TABLES C-1, C-2, C-3 & C-4, included in condition C.1. contain effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.023 mgd.

B. FINDINGS

The docket holder submitted an application to approve the existing Bangor Area School District WWTP and its discharge, and to approve a project to upgrade the existing WWTP. The WWTP upgrade consists of replacing the existing extended aeration package plant with a new extended aeration package plant to be constructed adjacent to the existing plant. The WWTP design flow will remain at 0.023 mgd.

1. Special Protection Waters

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing 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 *Water Quality Regulations (WQR)* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation. (Lower SPW)

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

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located in the drainage area to the SPW. Since this project does entail additional construction and expansion of facilities or service area and there are new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time (See conditions C.5 and C.6).

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. NMC to EWQ is to be demonstrated at the Jacoby Creek just prior to its confluence with the Delaware River. DRBC has not defined EWQ for Jacoby Creek. The definition for EWQ in Section 3.10.3.A.2.a) 3. of the WQR indicates the following:

“Where existing water quality is not defined... existing water quality may be defined by extrapolation from the nearest upstream or downstream Interstate Control Point, from data obtained from sites within the same ecoregion, or on the basis of best scientific judgment.”

The nearest Interstate Control Point (ICP) is the Belvidere ICP, located approximately 12 river miles downstream of the WWTP discharge and 7 miles downstream of the Jacoby Creek confluence with the Delaware River. For evaluation purposes, EWQ at the Jacoby Creek confluence is estimated as EWQ at the Belvidere ICP. Historical water quality observations collected twice per month from May through September 2000-2004 were used to define EWQ for the Belvidere ICP, as follows:

TABLE B-1: EWQ at Belvidere ICP / Estimated Jacoby Creek EWQ

Parameter	TSS (mg/l)	TP (mg/l)	Nitrate +Nitrite- N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)
Median	3.0	0.04	0.53	0.89	<0.05
95% C.L. (EWQ Target)	4.0	0.05	0.71	1.11	<0.05

The available pollutant loads (in pounds per day) in the Jacoby Creek watershed are equal to the difference (Delta Load or Δ Load) between the 95% confidence limit loads and the median loads for each SPW parameter. The available loads are calculated from the concentrations in Table B-1 above, and the harmonic mean flow for the Jacoby Creek just prior to its confluence with the Delaware River, estimated as 3.0 mgd from the United States Geologic Survey (USGS) StreamStats web-based Geographical Information Systems (GIS) application, as follows:

TABLE B-2: 2005 Estimated Pollutant Load at Jacoby Creek Confluence

Parameter	TSS (lbs/day)	TP (lbs/day)	Nitrate +Nitrite- N (lbs/day)	TN (lbs/day)	Ammonia – N (lbs/day)*
Median Load	75.1	1.0	13.3	22.3	1.13
95% C.L. Load	100.1	1.3	17.8	27.8	1.25
Δ Load	25.0	0.25	4.5	5.5	0.12

*Based on an assumed median EWQ of 0.045 mg/l and an assumed 95% C.L. of 0.05 mg/l

DRBC uses an equal effluent concentration (EEC) approach to determine the allowable portion of the Δ Load available to each of the watershed dischargers. In the EEC approach, each new and existing discharger receives an equal concentration of each pollutant for the new flow (for new dischargers) and incremental flow (for existing dischargers). The incremental flow for each discharger is calculated as the difference between the design flow of the facility minus the actual flow at time of SPW designation (“2005 estimated flow”). In the case of the Jacoby Creek watershed, the only know discharger of 10,000 gallon per day or greater is the Bangor Area School District WWTP. The Jacoby Creek watershed incremental flow is 0.016 mgd, calculated as 0.023 mgd (the design flow of the Bangor Area School District WWTP) minus 0.007 mgd (2005 estimated Bangor Area School District WWTP flow). The EECs for the Jacoby Creek watershed are as follows:

TABLE B-3: Jacoby Creek Watershed Equal Effluent Concentrations (EECs)

	TSS	TP	Nitrate	TN	Ammonia – N
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			+Nitrite-N		
Available Load (Δ Load)	25.0 lbs/day	0.25 lbs/day	4.5 lbs/day	5.5 lbs/day	0.12 lbs/day
EEC*	**	1.9 mg/l	33.7 mg/l	41.2 mg/l	0.90 mg/l

* Based on total watershed incremental flow of 0.016 mgd.

** The calculated EEC for TSS is 187 mg/l. DRBC has a basin-wide TSS effluent limit of 30 mg/l, and therefore the EEC for TSS is 30 mg/l.

Since no water quality model is available for the Jacoby Creek watershed, DRBC staff used a mass balance approach to evaluate compliance with the NMC to EWQ requirement for the WWTP upgrade. The total allowable loads for the WWTP upgrade are calculated as 1) the 2005 estimated Bangor Area School District WWTP effluent loads (“2005 estimated WWTP loads”); plus 2) the allowable increases in pollutant load (Δ Load in Table B-2, B-3). The 2005 estimated WWTP loads are the pollutant loadings that the WWTP is estimated to have discharged at the time SPW was designated (2005) and are based on available historical WWTP effluent discharge data. The most reliable effluent data set for the Bangor Area School District WWTP is monthly and quarterly WWTP effluent monitoring from 2016 – 2018, and therefore this data set was used to calculate the 2005 estimated WWTP loads. The loads are calculated based on a historical WWTP effluent discharge rate of 0.007 mgd, also from 2016-2018.

Table B-4: 2005 Estimated WWTP Load Calculations

Parameter	TSS	TP	Nitrate +Nitrite-N	TN	Ammonia - N
WWTP Concentration	*	8.1 mg/l	69.0 mg/l	71.7 mg/l	0.3 mg/l
WWTP Load	*	0.47 lbs/day	4.0 lbs/day	4.2 lbs/day	0.02 lbs/day

* The NPDES TSS effluent limit of 10 mg/l satisfies the NMC requirement for TSS (see Table B-6 below)

The total allowable loads for the WWTP upgrade is calculated in Table B-5, as follows:

TABLE B-5: Allowable WWTP Flow and Loads

	Flow	TP	Nitrate +Nitrite-N	TN	Ammonia - N
2005 estimated load	0.007 mgd	0.47 lbs/day	4.0 lbs/day	4.2 lbs/day	0.02 lbs/day
Available Load (Δ Load)	0.016 mgd	0.25 lbs/day	4.6 lbs/day	5.5 lbs/day	0.12 lbs/day
Total Allowable Load	0.023 mgd	0.72 lbs/day	8.6 lbs/day	9.7 lbs/day	0.14 lbs/day

The equivalent design concentrations associated with the total allowable load limits in Table B-4 above, based on the design flow of 0.023 mgd, are included in Table B-5 below. The concentrations in Table B-5 are for information purposes only; the docket holder will be limited

to the effluent load limits in EFFLUENT TABLE C-4 in condition C.1. after the upgraded WWTP goes into operation.

TABLE B-6: Equivalent Design Concentrations for Upgraded WWTP

PARAMETER	DESIGN CONCENTRATION
Total Suspended Solids	10.0 mg/l*
Total Phosphorous	3.8 mg/l
Nitrate-Nitrite as N	44.8 mg/l
Total Nitrogen	50.6 mg/l
Ammonia Nitrogen	0.73 mg/l

* The NPDES permit includes a TSS effluent limit of 10.0 mg/l. Since the NPDES limit is more stringent than the available load per the mass balance calculation, the docket holder will be held to a TSS effluent concentration limit of 10 mg/l

2. Other

At the docket holder's proposed WWTP discharge location, the unnamed tributary to Jacoby Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q7-10) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 27 River Miles downstream of the docket holder's WWTP proposed discharge location, and is operated by the City of Easton.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the 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

Effective on the approval date for Docket No. D-2018-007 CP-1 below, the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be added to the Comprehensive Plan. The project and appurtenant facilities as described in Section A of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.state.nj.us on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.html>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations. 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 C-1: DRBC parameters included in NPDES permit for existing WWTP discharge, in effect PRIOR TO operation of upgraded WWTP

OUTFALL 001 (UNT Jacoby Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	5.0 mg/l (minimum)	As required by NPDES Permit
CBOD ₅ (at 20° C) (5-1 to 10-31) (11-1 to 4-30)	10.0 mg/l 20.0 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. 200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Phosphorus	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 following monitoring requirements are for DRBC parameters not listed in the NPDES Permit.

EFFLUENT TABLE C-2: DRBC Parameters not included in NPDES permit for existing WWTP discharge, in effect PRIOR TO operation of upgraded WWTP

OUTFALL 001 (UNT Jacoby Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids	Monitor & Report	One Per Quarter

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, to go in effect after operation of upgraded WWTP

EFFLUENT TABLE C-3: DRBC parameters included in NPDES permit for proposed upgraded WWTP, to go into effect AFTER operation of upgraded WWTP

OUTFALL 001 (UNT Jacoby Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	5.0 mg/l (minimum)	As required by NPDES Permit
CBOD ₅ (at 20° C) (5-1 to 10-31) (11-1 to 4-30)	10.0 mg/l 20.0 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 See Table C-4 below*	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. 200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Phosphorus	See Table C-4 below*	See Table C-4 below*
Nitrate-Nitrite as N	See Table C-4 below*	See Table C-4 below*
Total Nitrogen	See Table C-4 below*	See Table C-4 below*

* The NPDES permit includes effluent concentration limits for Ammonia, and effluent monitoring only for Total Phosphorus, Nitrate-Nitrite as N, and Total Nitrogen. EFFLUENT TABLE C-4 below contains DRBC NMC to EWQ effluent load limits in pounds per day

The following average monthly effluent limits and monitoring requirements are not listed in the NPDES Permit, and go in effect after operation of upgraded WWTP:

EFFLUENT TABLE C-4: DRBC parameters for proposed upgraded WWTP, to go into effect AFTER operation of upgraded WWTP

OUTFALL 001 (UNT Jacoby Creek)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen	0.14 lbs/day	Monthly
Total Phosphorus	0.72 lbs/day	Monthly
Nitrate-Nitrite as N	8.6 lbs/day	Monthly
Total Nitrogen	9.7 lbs/day	Monthly
Total Dissolved Solids	Monitor & Report	One Per Quarter

2. Within 10 days of the date that construction of the new WWTP project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.
3. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The

Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

Additional DRBC Approvals Required

4. The docket holder shall prepare an emergency management plan (EMP) within six months of docket approval (or upon completion of the upgraded WWTP, whichever occurs first). The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by September 13, 2019.

5. Prior to project construction, 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. of the Commission's WQR.

Other Conditions

6. 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.

7. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.1.3A2.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.

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

9. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and

conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

10. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

11. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

12. The docket holder is permitted to treat and discharge wastewater 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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).

18. 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.

19. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).

20. 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.

21. 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*.

22. 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.

23. 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.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: March 31, 2023