DOCKET NO. D-2009-037-2

DELAWARE RIVER BASIN COMMISSION

Axeon Refining LLC
Industrial and Contact Cooling Water Discharge
Paulsboro Borough, Gloucester County, New Jersey

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by NuStar Asphalt Refining LLC (NuStar) on September 18, 2013 (Application), for renewal of the docket holder's existing discharge of comingled stormwater, industrial wastewater, condensate, sand filter backflush water, and/or tank drain water. The Commission received a letter from NuStar on March 19, 2014, dated March 18, 2014, informing the Commission that the NuStar facility had been sold to Axeon Refining LLC (Axeon or docket holder) as of February 26, 2014 and requested the Commission transfer ownership of the existing discharge and withdrawal dockets for the facility. A subsequent letter was received by Axeon accepting responsibility for the two dockets and for the Application already submitted. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0064921 for this facility was issued by the New Jersey Department of Environmental Protection (NJDEP) on September 30, 2009, effective November 1, 2009.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Gloucester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 9, 2014.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's discharge of up to 5.48 million gallons per day (mgd) of contact cooling water (CCW), comprising of comingled stormwater, industrial wastewater, condensate, sand filter backflush water, and/or tank drain discharge from six (6) outfalls (Outfalls Nos. DSN002A, DSN003A, DSN004A, DSN005A, DSN006A, and DSN007A) at the docket holder's asphalt refinery. This docket also approves a 2,300 milligram per liter (mg/l) total dissolved solids (TDS) effluent limitation from each of the six outfalls.

2. **Location**. The 6 outfalls will continue to discharge to Water Quality Zone 4 of the Delaware River at or near River Mile 89.66, in Paulsboro Borough, Gloucester County, New Jersey as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
DSN002A	39° 50' 38.8"	75° 13' 37.4"
DSN003A	39° 50' 38.8"	75° 13' 37.4"
DSN004A	39° 50' 38.9"	75° 13' 37.4"
DSN005A	39° 50' 54.0"	75° 13' 37.5"
DSN006A	39° 51' 12.3"	75° 13' 34.3"
DSN007A	39° 51' 30.0"	75° 13' 45.0"

3. **Area Served**. The docket holder will continue to service its asphalt refinery located in Paulsboro Borough, Gloucester County, New Jersey. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features**.

a. **Design Criteria**. The docket holder's asphalt refinery will continue to discharge up to 5.48 mgd of CCW from six existing outfalls. Five of the discharges are to the tidal portion of Mantua Creek and the sixth is to the tidal Delaware River, all of which are located in Water Quality Zone 4.

b. **Facilities**. The docket holder's asphalt refinery has six detention ponds on-site that hold stormwater. Stormwater in each pond is commingled with industrial wastewater, condensate from steam heating, sand filter backflush water, and/or tank drain discharges. The commingled flow is then discharged from one of six outfalls thru release valve mechanisms.

Sanitary wastewater from the asphalt refinery is discharged to the existing Gloucester County Utilities Authority (GCUA) WWTP collection system. The GCUA WWTP and discharge were last approved by the Commission on May 8, 2013, via Docket No. D-1990-074 CP-4.

c. **Water withdrawals**. The potable water supply in the project service area is supplied by New Jersey American Water.

Water for industrial use in the project service area is supplied by the docket holder from two intakes on Mantua Creek. The withdrawal was approved by the Commission on December 5, 2012 via Docket No. D-2001-027-4.

d. **NJPDES Permit / DRBC Docket**. NJPDES Permit No. NJ0064921 was issued by the NJDEP on September 30, 2009 (effective November 1, 2009) and includes final effluent limitations for the project discharge of up to 5.48 mgd to surface waters classified by the NJDEP

as Delaware Zone 4. The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN002A and meet or are more stringent than the effluent requirements of the DRBC.

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

OUTFALL DSN002A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9	As required by NJPDES Permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES Permit
PCBs	Monitor & Report	As required by NJPDES Permit
Acute Toxicity	Monitor & Report	As required by NJPDES Permit

The requirements in EFFLUENT TABLE A-2 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

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

OUTFALL DSN002A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly
Chronic Toxicity	Monitor & Report	Annually

* See DECISION Condition II.o.

The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN003A and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-3: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN003A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9	As required by NJPDES permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES permit
PCBs	Monitor & Report	As required by NJPDES permit
Acute Toxicity	Monitor & Report	As required by NJPDES permit

The requirements in EFFLUENT TABLE A-4 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

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

OUTFALL DSN003A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly
Chronic Toxicity	Monitor & Report	Annually

* See DECISION Condition II.o.

The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN004A and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-5: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN004A (Industrial Wastewater, Filter Backflush, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NJPDES permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES permit
PCBs	Monitor & Report	As required by NJPDES permit
Acute Toxicity	Monitor & Report	As required by NJPDES permit

The requirements in EFFLUENT TABLE A-6 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

EFFLUENT TABLE A-6: DRBC Parameters Not Included in NJPDES Permit

OUTFALL DSN004A (Industrial Wastewater, Filter Backflush, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly
Chronic Toxicity	Monitor & Report	Annually

* See DECISION Condition II.o.

The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN005A and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-7: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN005A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NJPDES permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES permit
PCBs	Monitor & Report	As required by NJPDES permit
Acute Toxicity	Monitor & Report	As required by NJPDES permit

The requirements in EFFLUENT TABLE A-8 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

EFFLUENT TABLE A-8: DRBC Parameters Not Included in NJPDES Permit

OUTFALL DSN005A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly
Chronic Toxicity	Monitor & Report	Annually

* See DECISION Condition II.o.

The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN006A and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-9: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN006A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NJPDES permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES permit
PCBs	Monitor & Report	As required by NJPDES permit

The requirements in EFFLUENT TABLE A-10 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

EFFLUENT TABLE A-10: DRBC Parameters Not Included in NJPDES Permit

OUTFALL DSN006A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly

* See DECISION Condition II.o.

The following average monthly effluent limits are among those listed in the NJPDES Permit for Outfall No. DSN007A and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-11: DRBC Parameters Included in NJPDES Permit

OUTFALL DSN007A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NJPDES permit
Total Suspended Solids	50 mg/l (instantaneous maximum)	As required by NJPDES permit
PCBs	Monitor & Report	As required by NJPDES permit

The requirements in EFFLUENT TABLE A-12 are not listed in the NJPDES Permit, but are Commission basin-wide and/or estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

EFFLUENT TABLE A-12: DRBC Parameters Not Included in NJPDES Permit

OUTFALL DSN007A (Industrial Wastewater, Condensate, and Stormwater Runoff)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids*	2,300 mg/l	Monthly

* See DECISION Condition II.o.

The requirements in EFFLUENT TABLE A-13 are not listed in the NJPDES Permit, but are Commission estuary specific parameters that were required as part of Docket No. D-2009-037-1, must continue to be met as a condition of this docket approval, and whose monitoring shall continue for each parameter (See DECISION Condition II.d.). Commission staff have requested NJDEP include these parameters in their renewed Permit.

EFFLUENT TABLE A-13: DRBC Parameters Not Included in NJPDES Permit that have a Total Site and not Outfall Specific Limit

OUTFALLS DSN002A, DSN003A, DSN004A, DSN005A, DSN006A, & DSN007A		
PARAMETER	**LIMIT**	**MONITORING**
CBOD (5-Day at 20^{o} C)	211 lbs/day	Quarterly
$CBOD_{20}$	320 lbs/day	Quarterly

e. **Cost**. There are no construction costs associated with this renewal.

B. FINDINGS

The purpose of this docket is to renew approval of the docket holder's discharge of up to 5.48 mgd of CCW from six outfalls at the docket holder's asphalt refinery. This docket also approves a 2,300 mg/l TDS effluent limitation from each of the six outfalls.

Total Dissolved Solids (TDS)

The Commission's basin-wide TDS effluent limit is 1,000 mg/l [Section 3.10.4D.2. of the Commission's *Water Quality Regulations* (*WQR*)]. In addition, the Commission's basin-wide in-stream TDS requirements provide the analysis of the instream conditions after the introduction of the project's effluent discharge demonstrate that 1) the receiving stream's resultant TDS concentration be less than 133% of the background (Section 3.10.3B.1.b. of the Commission's *WQR*) and the receiving stream's resultant TDS concentration be less than 500 mg/l (Section 3.10.3B.2. 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.

Water Quality Zone 4 stream quality objectives do not explicitly include the designated use of water for public drinking water supplies. As a consequence, the Commission finds that the 500 mg/l basin-wide TDS requirement is not always applied in Water Quality Zone 4. The Commission reserves the right, in accordance with the *WQR* and the *Rules of Practice and Procedure*, to apply the 500 mg/l basin-wide TDS requirement in Water Quality Zone 4 when and where it determines that the requirements are necessary to protect water uses in Water Quality Zone 4.

The in-stream 500 mg/l basin-wide TDS requirement was not applied to the six discharges, however the 133% requirement was applied because of the individual discharge locations being several miles above the usual salinity line (250 mg/l chlorides) of the Estuary. There are no public water supply intakes located on the tidal Delaware River within 5 river miles of the project discharges.

At the docket holder's refinery discharge, the Delaware River is tidal and its flow is regulated by upstream reservoir releases. The Trenton low flow target is 2,500 cfs (1.62 billion gallons per day). The addition of the tidal tributaries upstream of the discharge location at their $Q_{7\text{-}10}$ flow and the low flow Trenton target results in a low-flow of approximately 4,318 cfs (2.79 billion gallons per day) for the Delaware River at the discharge location (River Mile 89.66).

The ratio of this low flow to the overall discharge from all six outfalls (5.48 mgd) is 509 to 1 (< 0.20 % of low flow).

The docket holder submitted a TDS determination requesting a 2,300 mg/l limit as part of the Application. Background TDS concentrations vary from 130.5 mg/l to 519.5 mg/l (at 25^{th} and 95^{th} percentile) based upon hydrologic and astronomical tidal conditions near River Mile 89.66. The high background TDS condition is reasonably assumed to occur during low flow conditions. Therefore, the 95^{th} percentile value, or 519.5 mg/l of TDS was used for background TDS concentration around river mile 89.66.

Commission staff calculated that at a combined discharge flow of 5.48 mgd from all outfalls at a maximum daily concentration of 2,300 mg/l of TDS at $Q_{7\text{-}10}$ conditions result in a combined TDS concentration in-stream of no more than 137.81 mg/l from all six outfalls during

said conditions. This result satisfies the 133% of background for the protection of aquatic life requirement and therefore Commission staff recommend approval of the 2,300 mg/l TDS variance requested in the Application.

$CBOD_{20}$ Wasteload Allocation

The Commission's *WQR* provide for the allocation of the stream assimilative capacity where waste discharges would otherwise result in exceeding such capacity. It was determined in the late 1960's that discharges to the Delaware Estuary be limited to a total of 322,000 lbs/day of carbonaceous biochemical (first stage) oxygen demand ($CBOD_{20}$). In accordance with the Commission's *WQR*, the assimilative capacity of each Delaware Estuary zone minus a reserve was originally allocated in 1968 among the individual dischargers based upon the concept of uniform reduction of raw waste in a zone (Zones 2, 3, 4 and 5). The totals and percent reduction for each zone are given in Table 1 of the Commission's *Status of CBOD20 Wasteload Allocations* (Revised October 1, 2000). The six outfalls at the docket holder's refinery discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.66. Water Quality Zone 4 currently has capacity to handle another 22,817 lbs/day of $CBOD_{20}$.

Docket No. D-2009-037-1 required monitoring of $CBOD_5$ and $CBOD_{20}$ concurrently on a monthly basis for all six outfalls. Data was collected from March 2010 thru August 2013 to establish a ratio between $CBOD_5$ and $CBOD_{20}$ for all six outfalls. Many of the samples collected did not register minimum detection limits for $CBOD_5$ and/or $CBOD_{20}$. Only 39 of the monthly samples from all outfalls registered results that were detectable. It is these data points that Commission staff used to determine the $CBOD_{20}$ wasteload allocation for the six combined outfalls. The ratio between $CBOD_5$ and $CBOD_{20}$ using the 39 sample points was calculated to be 0.66 to 1.

The docket holder's combined discharge over this time period only reached the docket holder's permitted flow during hurricane conditions. So the results from the data review were adjusted to reflect the docket holder's total allowable discharge flow of 5.48 mgd.

At no time was $CBOD_{20}$ measured above 258 lbs/day nor CBOD5 above 115 lbs/day in a given month from all six outfalls. When weighting the flows and providing a twenty percent (20%) factor of safety Commission staff have established that the appropriate total $CBOD_{20}$ loading for all six outfalls is 320 lbs/day. The corresponding total $CBOD_5$ load from all six outfalls given the 0.66 to 1 ratio is therefore 211 lbs/day. The docket holder requested alleviation from monitoring for $CBOD_{20}$ and as a result they may measure the load of $CBOD_5$ and convert it to $CBOD_{20}$. Due to the low number of samples with detection limits Commission staff have amended monitoring from monthly to quarterly for these parameters. The wasteload allocation is for a cumulative allocation from all six outfalls. After this total allocation of 320 lbs/day of $CBOD_{20}$ is assigned to the docket holder there remains a reserve of 22,497 lbs/day of $CBOD_{20}$ in Water Quality Zone 4.

PCBs

The docket holder submitted a request to eliminate polychlorinated biphenol (PCB) Method 1668A sampling from all outfalls as part of the Application. Sampling using this method is currently only required at Outfall No. DSN003A. Commission staff do not recommend removal at this time due to the nature of the discharge and the fact that monitoring via this method has already been reduced to one outfall. Commission staff work closely with NJDEP staff on this matter and the specific monitoring type and frequency for PCBs will be amended if necessary in the docket holder's NJPDES Permit. The docket holder shall continue to implement its Pollution Minimization Plans (PMPs) for PCBs as required in the current and any future revised NJPDES Permit (See DECISION Condition II.p.).

Toxicity

Zone 4 stream quality objectives exist for toxic pollutants. They include criteria to protect the taste and odor of ingested water and fish (Table 4 of Commission's *WQR*), to protect aquatic life (Table 5), and to protect human health (Tables 6 & 7). The stream quality objectives include Whole Effluent Toxicity (WET) as a measure of cumulative toxicity in effluent for both chronic and acute exposures.

Chronic Toxicity

To determine the need for chronic wasteload allocation, the DRBC requires chronic toxicity monitoring for discharges in the estuary. Docket No. D-2009-037-1 required chronic toxicity monitoring for both cladoceran (*Ceriodaphnia dubia)* and the fathead minnow (*Pimephales promelas*). The docket holder requested a reduction/elimination of chronic toxicity monitoring from the Commission as part of the Application for this docket. Commission staff reviewed the samples provided and recommend that monitoring be reduced to once per year and for the more stringent species (cladoceran) due to reported results and the discharge design from the facility. As such monitoring shall continue to occur at Outfalls Nos. DSN002A, DSN003A, DSN004A, and DSN005A annually for cladoceran. The results shall continue to be submitted to the Commission as part of the docket holder's annual report (See DECISION Condition II.d.).

Acute Toxicity

To determine the need for an acute toxicity wasteload allocation, effluent limit and mixing zone, the DRBC requires acute toxicity monitoring for discharges into the estuary. The acute toxicity stream quality objective for Zone 4 is 0.3 Toxic Units (TUa = 0.3).

The docket holder has been required by the NJDEP to monitor for Acute Toxicity at four of the six outfalls in the existing NJPDES Permit. NJDEP and DRBC staff coordinate toxicity monitoring and DRBC staff have recommended that Acute Toxicity continue to be handled thru the NJPDES Permit. Results from all tests required in the current and future NJPDES Permits shall continue to be submitted to the Commission as part of the docket holder's annual report (See DECISION Condition II.d.). The acute results shall be reported as a 48-hour and 96-hour lethal concentration (LC_{50}) and TUa. The testing should follow USEPA guidance

on Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA 821-R-02-012, 5th Ed, October 2002) or equivalent New Jersey guidance on effluent limits.

Other

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 NJPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2009-037-2 below, Docket No. D-2009-037-1 is terminated and replaced by Docket No. D-2009-037-2.

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 NJDEP in its NJPDES Permit, 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. 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.

g. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F above the average 24-hour temperature gradient displayed during the 1961-1966 period, nor shall such discharge result in stream temperatures exceeding 86°F.

h. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. The docket holder shall continue to submit monitoring data and PMP Annual Reports to the Commission's Modeling, Monitoring and Assessment Branch as required in the existing NJPDES Permit.

BY THE COMMISSION

DATE APPROVED: **September 10, 2014**

EXPIRATION DATE: **September 30, 2019**