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DOCKET NO. D-1987-008 CP-4

DELAWARE RIVER BASIN COMMISSION

DELAWARE RIVER BASIN COMMISSION

**Municipal Authority of the Borough of Morrisville
Wastewater Treatment Plant
Morrisville Borough, Bucks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Pennoni Associates Inc. on behalf of the Municipal Authority of the Borough of Morrisville (MMA or docket holder), on December 6, 2016 (Application), which was amended on February 6, 2017, for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0026701 for the WWTP discharge on November 18, 2014.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Bucks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 14, 2018.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's existing WWTP and its discharge. The WWTP is designed to treat an annual average flow of 7.1 million gallons per day (mgd) and maximum monthly flow of 8.7 mgd. This docket also modifies: 1) the total dissolved solids (TDS) effluent limits for the WWTP discharge from a daily maximum effluent limit of 1,000 mg/l to an average monthly TDS effluent limit of 1,000 mg/l and a daily maximum TDS effluent limit of 1,500 mg/l; and 2) the true color effluent limits for the WWTP discharge from an instantaneous maximum effluent limit of 100 Pt-Co units to an average monthly true color effluent limit of 100 Pt-Co units and an instantaneous maximum true color effluent limit of 150 Pt-Co units.

2. **Location.** The docket holder's WWTP is located on Riverview Avenue in the Borough of Morrisville, Bucks County, Pennsylvania. The facility will continue to discharge to Water Quality Zone 2 of the Delaware River at River Mile 133.0.

The project outfalls are located in the Delaware River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001 (WWTP Overflow)	40° 12' 13"	74° 45' 58"
002 (WWTP Main Outfall)	40° 12' 14"	74° 45' 54"
Monitoring Point 201*	40° 12' 13"	74° 45' 58"

* MP201 is the monitoring point for the WWTP effluent discharge through Outfall No. 002

3. **Area Served.** The docket holder's WWTP will continue to serve Yardley and Morrisville Boroughs, as well as portions of Falls and Lower Makefield Townships, in Bucks County, Pennsylvania. Additionally, up to 0.12 mgd of leachate from the GROWS, GROWS North, Tullytown, and Waste Management Fairless landfills are conveyed to the MMA WWTP for treatment via an existing pump station located on the site of the GROWS Landfill leachate treatment plant (LTP) in Falls Township, Bucks County, Pennsylvania.

The previous docket approval (D-1987-011 CP-3) approved the docket holder to accept up to 0.06 mgd of landfill leachate for treatment at the WWTP. A pilot program to increase the amount of leachate from 0.06 mgd to 0.12 mgd was approved by the DRBC Executive Director on June 7, 2015, and was performed by the docket holder between 2015 and 2018. This docket (D-1987-018 CP-4) approves the acceptance of up to 0.12 mgd of landfill leachate from these sources for treatment at the WWTP, conditional upon the requirements of this docket (See FINDINGS section).

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 WWTP utilizes an activated sludge treatment system with cloth filtration, followed by chlorine contact disinfection. Additionally, the docket holder utilizes a UNOX system that provides pure oxygen to the treatment process for the purpose of enhancing the biological removal of organics. The WWTP is designed to treat an annual average flow of 7.1 mgd and maximum monthly flow of 8.7 mgd.

b. **Facilities.** The WWTP facilities consist of an aerated grit chamber with a screening device, an influent pumping station, a splitter box, four primary settling tanks, four aeration tanks, ten final settling tanks, three tertiary cloth filters, a UNOX system, six chlorine contact tanks, two sludge thickening tanks, and a mechanical sludge dewatering facility.

The WWTP features a 10 foot by 18 foot diversion chamber that diverts WWTP effluent to the 30-inch diameter WWTP outfall pipe (Outfall No. 002) under normal conditions. On days when flows meet or exceed 12 mgd, WWTP effluent overflows the weir within the diversion chamber and flow into an existing 54-inch diameter outfall pipe, which was the previous WWTP outfall (Outfall No. 001) prior to the construction of the 30" outfall (Outfall No. 002), and now serves as overflow only. This scenario is projected to occur rarely, approximately twice a year. The Outfall No. 002 pipe is submerged and extends approximately 450 feet into the Delaware River from the high water line to a point where water is approximately 5 feet deep at low tide. The outfall features a manifold on the end with three 8-inch diameter duckbill diffusers to provide mixing.

Several of the project facilities are located in the 100-year floodplain. The Commission's *Flood Plain Regulations* (FPR) has requirements for treatment facilities in the flood plain; however, the FPR only apply in the non-tidal portion of the Delaware River Basin. Since the project WWTP is located in the tidal portion of the basin, the FPR do not apply to the project WWTP.

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 provided by a surface water intake on the Delaware River owned and operated by the docket holder. The surface water withdrawal is described in detail in Docket No. D-1974-072 CP-1, which was approved on April 23, 1975.

d. **Effluent Requirements.** EFFLUENT TABLES A-1 and A-2 below contain effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.I.d.). NPDES Permit No. PA0026701 was issued by the PADEP on November 18, 2014, and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting warm water fishes and migratory fishes (WWF/MF). The following average monthly effluent limits and monitoring requirements for Outfall No. 002, based on a discharge rate of 7.1 mgd, are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC. The compliance point for the WWTP effluent, which discharges through Outfall No. 001, is Monitoring Point 201 (MP 201).

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit for Monitoring Point 201

MP 201 (Delaware River Water Quality Zone 2)		
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

MP 201 (Delaware River Water Quality Zone 2)		
PARAMETER	LIMIT	MONITORING
CBOD (5-Day at 20° C)*	22 mg/l 1,302 lbs/day	As required by NPDES Permit
Ammonia Nitrogen	35 mg/l	As required by NPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Dissolved Solids (TDS)	1,000 mg/l** See EFFLUENT TABLE A-2 below	As required by NPDES Permit
True Color (Pt-Co Scale)	100 Pt-Co Units *** See EFFLUENT TABLE A-2 below	As required by NPDES Permit
Total Copper	0.067 mg/l	As required by NPDES Permit
Total Zinc	0.594 mg/l	As required by NPDES Permit
Chronic WET Ceriodaphnia Survival	Monitor & Report	As required in the NPDES permit
Chronic WET Ceriodaphnia Reproduction	Monitor & Report	As required in the NPDES permit
Chronic WET Pimephales Survival	Monitor & Report	As required in the NPDES permit
Chronic WET Pimephales Growth	Monitor & Report	As required in the NPDES permit

* EFFLUENT TABLE A-2 below contains a CBOD₅ minimum percent removal of 88.5%

** The NPDES permit requires the docket holder to meet a daily maximum TDS effluent limit of 1,000 mg/l. This docket requires the docket holder to meet an average monthly TDS effluent limit of 1,000 mg/l and a daily maximum TDS effluent limit of 1,500 mg/l (See EFFLUENT TABLE A-2 below, the FINDINGS section, and DECISION Condition C.II.t.).

*** The NPDES permit requires the docket holder to meet an instantaneous maximum true color effluent limit of 100 Pt-Co Units. This docket requires the docket holder to meet an average monthly true color effluent limit of 100 Pt-Co Units and an instantaneous maximum true color effluent limit of 150 Pt-Co Units (See EFFLUENT TABLE A-2 below and FINDINGS section).

The following monitoring requirements are for DRBC parameters not listed in the NPDES permit, and are in effect upon approval of this docket:

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit for Monitoring Point 201

MP 201 (Delaware River Water Quality Zone 4)		
PARAMETER	LIMIT	MONITORING
CBOD (5-Day at 20° C)	88.5% minimum removal	Weekly
Total Dissolved Solids (TDS)*	1,000 mg/l (avg monthly) 1,500 mg/l (daily max)	Monthly

MP 201 (Delaware River Water Quality Zone 4)		
PARAMETER	LIMIT	MONITORING
True Color (Pt-Co Scale)	100 Pt-Co Units (avg monthly) ** 150 Pt-Co Units (instantaneous max)	Weekly
Acute WET LC50 Stat 96 hr (P. promelas)	Monitor & Report	Quarterly
Acute WET LC50 Stat 48 hr (C. dubia)	Monitor & Report	Quarterly

* See FINDINGS section and DECISION Condition C.II.t.

** See FINDINGS section

e. **Relationship to the Comprehensive Plan.** The MMA WWTP was originally included in the Comprehensive Plan as part of Addendum No. 1. Expansions to the WWTP were approved by the Commission in Dockets No. D-1965-064 CP-1, D-1969-065 CP-1, and D-1987-008 CP-1. Docket Nos. D-1987-008 CP-2 and D-1987-008 CP-3 continued approval of the WWTP in the Comprehensive Plan. The table below reflects the approval date for each addendum/docket. Issuance of this docket (D-1987-008 CP-4) will renew and continue approval of the WWTP in the Comprehensive Plan (See DECISION Condition C.I.c.).

DOCKET NO.	APPROVAL DATE
Addendum No. 1	July 25, 1962
D-1965-064 CP-1	June 23, 1965
D-1969-065 CP-1	August 23, 1972
D-1987-008 CP-1	September 22, 1987
D-1987-008 CP-2	July 13, 2011
D-1987-008 CP-3	December 5, 2012

B. FINDINGS

The docket holder submitted an Application to renew approval of the MMA WWTP and its discharge, and requested minor modifications to the requirements of the DRBC approval. The WWTP is designed to treat an annual average flow of 7.1 mgd and maximum monthly flow of 8/7 mgd, The Application requested to make permanent the findings of a pilot program to receive up to 0.12 mgd of leachate from the GROWS, GROWS North, Tullytown, and Waste Management Fairless landfills. The docket holder also requested modifying TDS and true color effluent limits to be applied as an average monthly effluent limit as opposed to daily maximum effluent limit (TDS) and instantaneous maximum effluent limit (true color). No modifications to the existing WWTP are proposed.

Landfill Leachate Acceptance

The previous docket approval (D-1987-011 CP-3) approved the docket holder to accept up to 0.06 mgd of landfill leachate for treatment at the WWTP. A pilot program to increase the amount of leachate from 0.06 mgd to 0.12 mgd was approved by the DRBC Executive Director on June 7, 2015, and was performed by the docket holder between 2015 and 2018. The pilot program demonstrated that the ability of the WWTP to meet effluent limits, specifically TDS and true color, is dependent on 1) the amount of leachate received; and 2) the amount of WWTP inflow. During periods of low inflow to the WWTP, the amount of leachate that the WWTP can treat and discharge (and continue to meet effluent limits) is reduced, as compared to periods of high inflow, when increased amounts of leachate can be treated and discharged from the WWTP while meeting effluent limits. The following sliding scale indicates the amount of leachate to be received at different inflows to the WWTP:

TABLE B-1: Leachate Flow Acceptance Sliding Scale

WWTP FLOW (MGD)	LEACHATE FLOW (GPD)
2.75	45,000
3	50,000
3.25	55,000
3.5	60,000
3.75	70,000
4	75,000
4.25	85,000
4.5	95,000
4.75	100,000
5	105,000
5.25	110,000
5.5	115,000
5.75	120,000
>5.75	120,000

Based on the results of the pilot program and calculations performed by the docket holder, the discharge appears able to meet the effluent limits contained in this docket when the facility operates according to the above sliding scale. This docket (D-1987-018 CP-4) approves the WWTP to receive up to 0.12 mgd of landfill leachate from the above sources, when operating according to the sliding scale in TABLE B-1. The docket holder is required to maintain a record of daily leachate flows received, and corresponding WWTP flows, and to submit a report to the DRBC annually summarizing the daily flows. This report may be submitted along with the DRBC annual effluent monitoring report (AEMR) form, by January 31 of each year (See DECISION Condition C.II.i.).

Total Dissolved Solids (TDS) and True Color Effluent Limits

Section 3.10.4.D.2. of the Commission's Water Quality Regulations (WQR) states:

“Total dissolved solids shall not exceed 1000 mg/l, or a concentration established by the Commission which is compatible with designated water uses and stream quality objectives, and recognizes the need for reserve capacity to serve future dischargers.”

In addition to the 1,000 mg/l TDS effluent limit, the Commission's WQR require that the effluent not result in an in-stream TDS that is 1) greater than 133% of the background (Section 3.10.3.B.1.b. of the Commission's WQR), or 2) a receiving stream's resultant TDS concentration of 500 mg/l or more (Section 3.10.3 B.2. of the Commission's WQR).

Section 4.30.5.A..D.2.A. of the Commission's WQR states:

“ Color. For municipal, industrial, or sanitary wastes, the effluent:

- 1. shall not impart objectionable color to the receiving waters,*
- 2. shall not exhibit more than*
 - a. true color of 100 units on the platinum cobalt scale, or its equivalent, or*
 - b. the natural color of the receiving waters, whichever is greater.”*

DRBC Docket No. D-1987-011 CP-3 contained the 1,000 mg/l TDS effluent limit and the 100 Pt-Co unit true color effluent limit, and applied these limit as a daily maximum effluent limit (TDS) and an instantaneous maximum effluent limit (true color). This docket (D-1987-011 CP-4) modifies the application of the 1,000 mg/l TDS limit and 100 Pt-Co unit true color limit to be average monthly effluent limits. In addition to the average monthly effluent limits, this docket requires the WWTP effluent to meet a daily maximum TDS effluent limit of 1,500 mg/l, and an instantaneous maximum true color effluent limit of 150 Pt-Co units.

Due to the large amount of flow in the receiving waterbody (Water Quality Zone 2 of the Delaware River), DRBC staff determined that the 1,000 mg/l average monthly TDS effluent limit and 1,500 mg/l daily maximum TDS effluent limit is not predicted to result in greater than 133% of background or 500 mg/l or greater in the receiving water body. Similarly, DRBC staff determined that the 100 Pt-Co unit average monthly true color effluent limit and 150 Pt-Co unit instantaneous maximum true color effluent limit is not predicted to impart objectionable color to the receiving waters nor exhibit more than the natural color of the receiving waters. See EFFLUENT Table A-2 in Section A.4.d. and DECISION Condition C.II.c. of this docket.

Acute Whole Effluent Toxicity

DRBC Docket No. D-1987-011 CP-3 approved a regulatory mixing zone (RMZ) for acute whole effluent toxicity (WET) criteria consisting of three semi-circles with a radius of 29.5 feet centered on each of the outfall diffuser ports for Outfall No. 002, and a corresponding acute toxicity dilution factor of 6.4 to 1. Because of overlapping of the RMZ of each port, the total

RMZ area is less than 4,100 ft² (sum of three semi-circles). The RMZ and dilution factor are continued in this docket (D- 1987-011 CP-4). See DECISION Condition C.II.h. of this docket.

CBOD₂₀ Wasteload Allocation

The Commission's *Water Quality Regulations (WQR)* provide for the allocation of the stream assimilative capacity where waste discharges would otherwise result in exceeding such capacity. The DRBC determined in the late 1960's that discharges to the Delaware Estuary would be limited to a total of 322,000 lbs/day of carbonaceous biochemical (first stage) oxygen demand (later noted as CBOD₂₀). In accordance with the Regulations, 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 MMA WWTP is located in Zone 2 at river mile 133.0. Zone 2 is allocated at 18,600 lbs/day of CBOD₂₀ and has a zone reduction requirement of CBOD₂₀ of 88.5%. Compliance with the 88.5% Zone 2 reduction requirement can be demonstrated by meeting the 88.5% CBOD₅ removal requirement included in EFFLUENT TABLE A-2 in Section A.4.d. of this docket.

The Commission approved a CBOD₂₀ allocation for the WWTP of 1,916 lbs/day in Docket No. D-1987-008 CP-3, approved on December 5, 2012. The CBOD₅ effluent load limit is calculated as the CBOD₂₀ allocation divided by the CBOD₂₀/CBOD₅ ratio of 1.47:1, which was developed during the review of Docket No. D-1987-008 CP-1. This docket continues the allocation of up to 1,916 lbs/day of CBOD₂₀ for the existing facility. Compliance with the CBOD₂₀ allocation can be demonstrated by meeting the CBOD₅ effluent load limit of 1,302 lbs/day.

Other

The nearest surface water intake of record for public water supply downstream of the project discharge is located on the Delaware River approximately 11 river-miles downstream of the WWTP discharge, and is operated by the Lower Bucks County Joint Municipal Authority,

Near the project discharge site, 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 and the low flow Trenton target results in a low-flow of approximately 2,634 cfs. The ratio of this low flow to the average design wastewater discharge from WWTP (7.1 mgd) is 240 to 1.

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 project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

I. Effective on the approval date for Docket No. D-1987-008 CP-4 below:

- a. The project described in Docket No. D-1987-008 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1987-008 CP-4; and
- b. Docket No. D-1987-008 CP-3 is terminated and replaced by Docket No. D-1987-008 CP-4; and
- c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A "Physical features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. The facility and operational records shall be available at all times for inspection by the DRBC.
- b. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
- c. 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 (AEMR) Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.html>. In addition to the AEMR, the docket holder is required to annually report the results of the weekly effluent flow, TDS load (in lbs/day), and TDS concentration (in mg/l) monitoring at Outfall Nos. 001 and 002. 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.
- d. 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*.

e. If at any time the receiving treatment facilities prove 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.

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. This docket approves a regulatory mixing zone (RMZ) for acute WET criteria consisting of a semi-circles with a radius of 29.5 feet centered on each of the three port of Outfall No. 002 diffuser. This docket approves an acute toxicity dilution factor of 6.4 to 1.

i. The docket holder is permitted to receive up to 0.12 mgd of landfill leachate from the GROWS, GROWS North, Tullytown, and Waste Management Fairless landfills, for treatment and discharge from the MMA WWTP. The amount of leachate allowed to be received is conditional upon the quantity of inflow to the WWTP, in accordance with TABLE B-1 Sliding Scale in the FINDINGS section of this docket. The docket holder is required to maintain a record of daily leachate flows received, corresponding inflows to the WWTP, and WWTP effluent flows, and to submit a report to the DRBC annually summarizing the daily flows by January 31 of each year.

j. 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.

k. 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.

l. 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).

m. 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.

n. 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.

o. 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).

p. 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).

q. 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).

r. 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.

s. 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.

t. 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.

u. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

v. 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.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: December 12, 2023