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DOCKET NO. D-2009-025 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Lehigh Carbon Community College
Wastewater Treatment Plant Upgrade
North Whitehall Township, Lehigh County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an amended Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Spotts Stevens & McCoy on behalf of Lehigh Carbon Community College (LCCC or docket holder) on May 9, 2018 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0051799 for this facility was issued by the Pennsylvania Department of Environmental Protection (PADEP) on March 25, 2013, effective April 1, 2013, and administratively continued.

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 Lehigh Valley 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 0.036225 million gallons per day (mgd) WWTP, its discharge, and the proposed WWTP modifications that include: replacing the existing aeration tanks and clarifiers, repurposing of an existing aeration tank, and the abandonment of the existing sludge holding tanks.

2. **Location.** The docket holder's WWTP is located on Education Park Drive in North Whitehall Township, Lehigh County, Pennsylvania. The WWTP will continue to discharge treated

effluent to an unnamed tributary UNT to Jordan Creek at River Mile 183.66 – 16.3 – 13.8 – 1.26 (Delaware River – Lehigh River – Jordan Creek – UNT Jordan Creek) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW), as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 39' 18"	75° 36' 28"

3. **Area Served.** The docket holder's WWTP will continue to serve the Lehigh Carbon Community College and the Lehigh Career and Technical Institute (LCTI), located in Lehigh County, Pennsylvania. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder's existing 0.036225 mgd WWTP currently utilizes an activated sludge treatment process with chlorine disinfection. The WWTP will continue to discharge up to 0.036225 mgd. The proposed construction will consist of replacing the package treatment systems with a new Sequencing Batch Reactor (SBR) system containing two treatment units and a new Surge Tank, and the abandonment of the existing sludge holding tank. The project includes the conversion of the existing aeration tanks into aeration tanks into aerated sludge holding tanks and a new grinder and diversion chamber. The proposed project will address the under-sizing of existing units and inefficiencies of the current package treatment tanks.

b. **Facilities.** The existing WWTP facilities consist of an influent manhole, one sewage grinder, a flow equalization tank, two package treatment tanks, each containing an aeration tank and two clarifiers. Additionally, the WWTP facilities consist of a filter dosing tank, two slow sand filters, one chlorine disinfection tank, and a sludge holding tank

The upgraded WWTP facilities will consist of the addition of a grinder/diversion chamber, one junction manhole, one packaged Sequencing Batch Reactor (SBR) treatment train (consisting of two SBR tanks and a surge tank, one flow metering flume, and supporting equipment. The upgrade will also include the rehabilitation of one existing equalization tank and two existing aeration tanks. The two existing aeration tanks will be dewatered, cleaned, repainted, and repurposed as aerated sludge holding tanks and will be fit with new aeration system piping with air diffusers. The proposed WWTP will also include a filter dosing tank, two rehabilitated sand filter units, and a chlorine contact tank.

The docket holder's wastewater treatment facility discharges 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.

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 existing WWTP has a remote alarm system installed that continuously monitors plant operations.

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

The docket holder has satisfactorily proved the technical and financial infeasibility of using natural wastewater treatment technologies in accordance with the Commission's SPW requirements. A report was submitted as part of the docket application that included the feasibility analysis of constructed wetlands, overland flow systems, rapid infiltration systems, slow rate infiltration, reed beds, living machine systems, and floating aquatic plant systems as natural treatment options and concluded that soil conditions were not favorable or an adequate amount of land was unavailable for these options to be feasible. Additionally, the report concluded that costs were too significant to include natural treatment as part of the process.

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 provided by an on-site groundwater well owned by the docket holder. The well is operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval.

d. Effluent Requirements. EFFLUENT TABLES A-1, A-2, A-3 and A-4 below contain effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.II.c.). NPDES Permit No. PA0051799 was issued by the PADEP on March 25, 2013 (effective April 1, 2013) and includes final effluent limitations for the project discharge of 0.036225 mgd to surface waters classified by the PADEP as supporting high quality water (HQ), cold water fishes (CWF) and migratory fishes (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 for Existing WWTP

OUTFALL 001 (Discharging to UNT Jordan Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
Dissolved Oxygen	5.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C) (5-1 to 10-31)	10.0 mg/l	As required by NPDES Permit
(11-1 to 4-30)	20.0 mg/l	
Ammonia Nitrogen (5-1 to 10-31)	3.0 mg/l	As required by NPDES Permit
(11-1 to 4-30)	9.0 mg/l	
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.	
Nitrate-Nitrite as N	Monitor & Report	As required by NPDES Permit

OUTFALL 001 (Discharging to UNT Jordan Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	SEE EFFLUENT TABLE A-2
Total Phosphorus	Monitor & Report	As required by NPDES Permit

*The NPDES Permit requires quarterly effluent monitoring for this parameter. This docket requires monthly effluent monitoring for this parameter (See EFFLUENT TABLE A-2 Below)

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit but are Commission basin-wide and SPW specific parameters that must be met as a condition of this docket approval.

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

OUTFALL 001 (Discharging to UNT Jordan Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report	Monthly*
CBOD5 (at 20 °C)	85% Minimum removal	Monthly
CBOD ₅ (at 20° C) Influent	Monitor & Report	Monthly, paired with CBOD ₅ effluent monitoring sample
Total Nitrogen**	Monitor & Report	Monthly**

* See DECISION Condition C.II.w

** DRBC Requirement

The following Commission basin-wide and SPW specific parameters for monitoring requirements and effluent limits are included in the current NPDES permit and are required to be met as a condition of this docket approval and go in effect at the startup of the upgraded WWTP.

EFFLUENT TABLE A-3: DRBC Parameters in NPDES Permit for Upgraded WWTP Startup

OUTFALL 001 (Discharging to UNT Jordan Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 mg/l*	As required by NPDES Permit
Dissolved Oxygen	5.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD ₅ (at 20° C) (5-1 to 10-31)	10.0 mg/l	As required by NPDES Permit
(11-1 to 4-30)	20.0 mg/l	
Ammonia Nitrogen (5-1 to 10-31)	3.0 mg/l*	As required by NPDES Permit
(11-1 to 4-30)	9.0 mg/l*	
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.	
Nitrate-Nitrite as N	Monitor & Report*	As required by NPDES Permit
Total Dissolved Solids**	Monitor & Report**	SEE EFFLUENT TABLE A-4
Total Phosphorus	Monitor & Report*	As required by NPDES Permit

*See effluent load limits contained in EFFLUENT TABLE A-4 below

The following Commission basin-wide and SPW specific parameters for monitoring requirements and effluent limits are included in the NPDES permit and are required to be met as a condition of this docket approval and go in effect after the upgraded facility is in operation.

EFFLUENT TABLE A-4: DRBC parameters to become effective after upgraded WWTP startup Not Included in existing NPDES Permit

OUTFALL 001 (Discharging to UNT Jordan Creek)		
PARAMETER	LIMIT	MONITORING
Total Suspended Solids***	6.73 lbs/day**	Monthly
CBOD ₅ (at 20° C)	85% Minimum removal	Monthly, paired with CBOD ₅ effluent monitoring sample
CBOD ₅ (at 20° C) Influent	Monitor & Report	Monthly, paired with CBOD ₅ effluent monitoring sample
Ammonia Nitrogen (5-1 to 09-30) (10-1 to 4-30)	0.24 lbs/day** 0.72 lbs/day**	Monthly
Nitrate + Nitrite as N (5-1 to 09-30) (10-1 to 4-30)	5.96 lbs/day** 8.94 lbs/day**	Monthly
Total Nitrogen (5-1 to 09-30) (10-1 to 4-30)	6.89 lbs/day** 10.34 lbs/day**	Monthly
Total Phosphorus (5-1 to 09-30) (10-1 to 4-30)	0.96 lbs/day** 2.88 lbs/day**	Monthly
Dissolved Oxygen	5.0 mg/l (minimum at all times)	Monthly
Total Dissolved Solids*	Monitor & Report*	Monthly*

* See DECISION Condition C.II.w

**The effluent load limits for the proposed WWTP for the parameter is required to demonstrate no measurable change to existing water quality at the Lehigh River boundary control point (See FINDINGS section of this docket).

***DRBC Load Limit is less stringent than the existing NPDES Permit Limit

TABLE A-5 below shows the equivalent design concentrations associated with the summertime load limits in EFFLUENT TABLE A-4 based on the design flow of 0.036 mgd. These concentrations are for information purposes only; the docket holder will be limited to the effluent requirements in EFFLUENT TABLE A-3 and A-4 after the proposed WWTP goes into operation.

TABLE A-5: Design Concentrations for the Proposed LCCC WWTP

PARAMETER	LIMIT
Ammonia Nitrogen	0.78 mg/l
Nitrate-N	19.73 mg/l
Total Phosphorus	3.19 mg/l
Total Nitrogen	22.78 mg/l
Total Suspended Solids	22.27 mg/l

e. **Relationship to the Comprehensive Plan.** The existing 0.036225 mgd LCCC WWTP was added to the Comprehensive Plan via the approval of Docket No. D-2009-025 CP on December 9, 2009. The WWTP was continued in the Comprehensive Plan via the approval of Docket No. D-2009-025 CP-2 on March 6, 2013. Issuance of this docket will continue approval of the LCCC WWPT in the Comprehensive Plan (See DECISION Condition C.I.c.).

B. FINDINGS

The docket holder submitted an Application for the approval of the project to upgrade the existing 0.036225 mgd LCCC WWTP with new packaged SBR treatment trains (with additional surge/equalization tank) and the repurposing of the two existing aeration tanks to new, aerated sludge holding tanks.

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.

Article 3.10.3A.3.c of the Commission's *WQR* that SPW projects evaluate Natural Treatment Alternatives (NTA). A report including the NTA analyses of overland flow, constructed wetlands, floating aquatic plant systems, living machine systems, reed beds, and slow rate irrigation as natural treatment options concluded that either the land's soil conditions or land availability was too limiting to properly execute the natural treatment alternative. Additionally, the costs for implementation of the natural treatment options was concluded to be too significant for the docket holder.

The docket holder's WWTP discharges to the drainage area to the Lower Delaware River 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*. Within the article, Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that both new wastewater treatment facilities and existing wastewater treatment facilities located in SPW, which propose substantial alterations and additions to such facilities must demonstrate "...that the project will cause no measurable change to Existing Water Quality [EWQ]..." Auxiliary to the demonstration of 'no measurable change' (NMC) to EWQ Section 3.10.3.A.2.d.9) of the Commission's *WQR* states the following:

"For wastewater treatment facility projects subject to the no measurable change requirement, the demonstration of no measurable change to existing water quality shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause no measurable change 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 total Kjeldahl nitrogen (TKN); total phosphorus (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

The docket holder is proposing a project classified as a 'substantial alteration and addition' to its existing LCCC WWTP to replace major treatment process units with new equipment tanks and repurpose existing facility structures; therefore, the proposed project is subject to the NMC to EWQ requirement. NMC to EWQ is to be demonstrated at the Lehigh River Boundary Control Point (Lehigh BCP), located on the Lehigh River directly preceding its confluence with the Delaware River.

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 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% confidence limits (CL) 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. The EWQ that is protected at the BCP is derived from the time of the Lower Delaware River SPW classification in 2005 (2005-EWQ), In-stream water quality data collected twice per month from May through September 2000-2004 was used by the Commission to define EWQ for the BCP, as follows:

TABLE B-1: Lehigh River BCP 2005-EWQ

Model Run	TSS (mg/l)	NH ₃ - N (mg/l)	TP (mg/l)	NO ₃ – N (mg/l)	TN (mg/l)	DO (mg/l)
Median	4.0	0.08	0.17	1.8	2.43	8.85
95% Upper CL (EWQ Target)	6.0	0.09	0.24	2.0	2.74	8.39*

*DO objective is the lower 95% C.L.

In 2009, Commission staff completed a water quality model, using the USEPA’s QUAL2K platform, for the Lehigh River Watershed, referred to as the 2009 LR-WQM. The model works to utilize compiled data for the eight parameters (NH₃ N, DO, FC, NO₃ N, TN, TP, and TSS) necessary to best define 2005-EWQ. The 2009 LR-WQM’s domain included the watershed downstream of the Lehigh Water Gap. The 2009 LR-WQM was calibrated using in-stream water quality data sets from 2004 and 2005 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs) for all NPDES permitted dischargers with permitted flows equal to or greater than (\geq) 10,000 gpd within the 2009 LR-WQM domain.

The model assumes 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 where discharge data were absent, typical effluent data was used from facilities in similar watersheds. The 2009 LR-WQM included data from 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.

Commission staff updated the LR-WQM in 2018, to reflect data collected since 2009 and to include additional (existing and proposed) NPDES discharge information not included in the 2009 LR-WQM. Commission staff established the estimated actual discharge at the time of SPW designation for each existing facility, based on discharger data from 2000-2005, referred to as the 2005 estimated flows and loads, then recalibrated the model to match the 2005-EWQ at the Lehigh BCP (See TABLE B-1). The 2005 estimated flow and loads for the LCCC WWTP were established using historical effluent flow and concentration data, and Commission staff BPJ where historical data was not available (See TABLE B-2 below). Estimated loadings were calculated with a historically averaged flow of 0.011 mgd.

TABLE B-2: Estimated Loads for LCCC WWTP

Parameter	TSS	NH ₃ - N	TP	NO ₃ – N	TN
Concentration	4.08 mg/l*	0.42 mg/l*	5.09 mg/l*	45.65 mg/l*	47.57 mg/l*
Load	0.37 lbs/day	0.04 lbs/day	0.46 lbs/day	4.12 lbs/day	4.29 lbs/day

*2011-2015 WWTP Effluent Concentration Data

Commission staff then ran the LR-WQM in order to determine the equal effluent concentration (EEC) for each SPW parameter for the incremental flow of each facility necessary to demonstrate NMC to EWQ. The incremental flow is the permitted or proposed flow minus the 2005 estimated flow. The incremental load is based on the incremental flow at the EEC. The total allowable load is the 2005 estimated load plus the incremental load. The EECs as determined by the 2018-updated LR-WQM are as follows:

TABLE B-3: LR-WQM EEC for LCCC WWTP

Model Parameter	TSS (mg/l)	NH ₃ - N (mg/l)	TP (mg/l)	NO ₃ – N (mg/l)	TN (mg/l)
EEC	30.0	0.94	2.38	8.70	12.24

Using historical flow data from the LCCC WWTP the 2005 estimated load, incremental load and total load have been calculated as the following:

TABLE B-4: LCCC WWTP Flow and Loads

	Flow	TSS	NH ₃ – N	TP	NO ₃ – N	TN
2005 Estimation	0.011 mgd	0.37 lbs/day	0.04 lbs/day	0.46 lbs/day	4.12 lbs/day	4.29 lbs/day
Incremental	0.025 mgd	6.36 lbs/day	0.20 lbs/day	0.50 lbs/day	1.85 lbs/day	2.60 lbs/day
Total Allowable	0.036 mgd	6.73 lbs/day	0.24 lbs/day	0.96 lbs/day	5.96 lbs/day	6.89 lbs/day

The equivalent design concentrations (Table B-5) associated with the total allowable summertime load limits in Table B-4 above, based on the flow of 0.036 mgd, are as follows:

Table B-5: LCCC WWTP Equivalent Design Effluent Concentrations

PARAMETER	DESIGN CONCENTRATION
Total Suspended Solids	22.27 mg/l*
Ammonia-N	0.78 mg/l
Total Phosphorus	3.19 mg/l
Nitrate as N	19.73 mg/l
Total Nitrogen	22.78 mg/l

*The equivalent effluent concentration for TSS (22.27 mg/l) is less stringent than the TSS limit included in the NPDES permit for the WWTP (10 mg/l).

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.

North Whitehall Township is regulated by the PADEP as a Stormwater Phase II municipality and is permitted by PADEP as such. North Whitehall Township adopted and implemented a stormwater ordinance in accordance with the PADEP requirements. The PADEP Stormwater Phase II requirements satisfy the NPSPCP requirements of the Commission. Accordingly, DECISION Condition C.II.o. has been included in this docket.

At the WWTP discharge location, UNT Jordan 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 59 River Miles downstream of the docket holder's WWTP and is operated by North Penn 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 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 *Water Quality Regulations (WQR)*.

C. DECISION

- I. Effective on the approval date for Docket No. D-2009-025 CP-3 below:

a. The project described in Docket No. D-2009-025 CP-2 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2009-025 CP-3; and

b. Docket No. D-2009-025 CP-2 is terminated and replaced by Docket No. D-2009-025 CP-3; 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 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* and Flood Plain Regulations (*FPR*).

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.gov 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.

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 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.

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

h. 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. Within

30 days of the date of project completion, the docket holder shall notify the DRBC of the project completion date.

i. 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.

j. The WWTP modifications shall be completed prior to the date of docket expiration (December 31, 2024) 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 prior to docket expiration 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 docket 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.

k. 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.

l. 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.

m. 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).

n. 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.

o. 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.

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

q. 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.

r. 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).

s. 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).

t. 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).

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. 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.

y. 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.

z. 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

APPROVAL DATE:

EXPIRATION DATE: December 31, 2024