

Delaware River Basin Commission

Proposed Rule - One Process/One Permit Program RPP Section 2.3.11

*Water Management
Advisory Committee
Meeting June 16, 2015*



Resolution No. 2015-4

March 11, 2015

Authorizes the Executive Director to:

- initiate rulemaking to provide specific authorization for and define the scope of the One Process/One Permit Program; and
- enter into an AA with New Jersey to provide for demonstration of the program
- AA with NJDEP was executed on April 14, 2015

What authorizes DRBC to use One Process and One Permit?

- **Compact Section 1.5** – authorizes and directs DRBC to utilize and employ existing offices and agencies of government to the fullest extent feasible and advantageous for purposes of the Compact.
- **Compact Section 3.9** – DRBC shall promote & aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the basin.
- **RPP Section 2.3.3** – authorizes DRBC to enter into administrative agreements with federal & state agencies to meet the objectives of its regulatory programs.

What is the One Process/One Permit Program? Why Propose It?

- Provide for eligible projects to be managed through a single process resulting in one decision or approval.
- Make process simpler for regulated entities.
- Improve procedural efficiency.
- Promote collaboration.
- Improve Compliance.
- Achieve the same or improved environmental results.

Does not change the substantive authority and/or regulatory standards of the DRBC or any state agency.

Which regulatory programs will be included in One Process/One Permit?

The proposed rule provides the basis for a One/Process One Permit approach to activities over which DRBC and a Signatory Party both exercise regulatory authority.

- All projects that are reviewable under the Compact and DRBC rules
- and that are also identified in a duly adopted **Administrative Agreement**.*
- Initially, water withdrawal & wastewater discharge programs will be included.
- Other programs may be added by amending administrative agreements or entering into additional agreements.

***Note: Each Administrative Agreement is also subject to public process, including a public hearing.**

One Process/One Permit Program

Key Provisions

- **For Signatory Party Agency lead projects:**
 - Single application filed with the Signatory Party.
 - Notice of application filing is provided to DRBC.
 - DRBC to review and provide recommendations relative to Section 3.8 of the Compact (DRBC's project review and approval authority).
 - Signatory Party may make the project review determination under Section 3.8 of the Compact.
 - DRBC to maintain a list of all projects administered pursuant to the program.

One Process/One Permit Program Key Provisions

- **Comprehensive Plan Projects:**
 - Can only be added to the Comprehensive Plan by separate action of the Commission after public hearing.
 - Requires separate application to Commission prior to the project design.
 - Commission approval to include requirements under Compact and Commission regulations
- **Commission review and enforcement authorities retained.**
- **Any Commissioner or the Executive Director may designate any reviewable project for separate Commission review.**

One Process/One Permit Program Key Provisions

- **Docket termination**
 - Executive Director may terminate docket in whole or part
 - Provided that such termination does not serve to remove the project or modify the CP
- In accordance with Section 3.3(a) of the Compact, no authority granted to any Signatory Party to affect terms of the Supreme Court Decree of 1954.

One Process/One Permit Program

Key Provisions

- **Exhaustion of Signatory Party Agency Administrative Remedies Prerequisite to Appeal**
 - Appellant must first exhaust its administrative remedies under the law of the signatory party

- **Fees**
 - Unless and until modified by the Commission, the current fee schedule remains in place and applicable to projects reviewed under One Process/One Permit.

 - Project Sponsors to pay fees directly to Commission.

Draft One Process, One Permit Rule Rule

Rulemaking to amend the RPP

- **May 7, 2015** - Draft Rule published on DRBC Website
- **June 9, 2015** - Public Hearing
- **July 1, 2015** - Close of Comment Period
- **July 1 – September, 2015** - DRBC prepares a response to comments
- **September 16 , 2015** - Commissioners expected vote on adoption
- **Mid-September, 2015** - DRBC expected to adopt final rule

Draft One Process, One Permit Rule Rule

June 9, 2015 - Public Hearing

- Approximately 20 individuals/organizations provide oral/written comments
- Majority expressed concerns
 - Public input and participation
 - Lack of basin-wide approach
 - State standards of review vs. DRBC standards of review
 - Demonstration results
- Several expressed support
 - Simplified process
 - Single permit/reporting
 - Improved compliance

Draft One Process, One Permit Rule Rule

WRITTEN COMMENTS

Email (preferred) to: paula.schmitt@drbc.state.nj.us; or

FAX to: Commission Secretary at 609-883-9522; or

Send via U.S. Mail to:

Commission Secretary
DRBC, P.O. Box 7360
West Trenton, NJ 08628-0360

Comment Period Closes July 1, 2015

One Process/One Permit Program

Copies of the following documents may be found on the DRBC website at: <http://www.nj.gov/drbc/meetings>

- DRBC/ NJDEP AA Approved March 11, 2015
- Frequently Asked Questions

You may also contact either Pam Bush at pamela.bush@drbc.state.nj.us or

Bill Muszynski at william.muszynski@drbc.state.nj.us with questions.

One Process/One Permit Program

QUESTIONS?