

Delaware River Basin Commission

One Process/One Permit Program

*Joint WQAC/WMAC
Meeting*

May 5, 2015

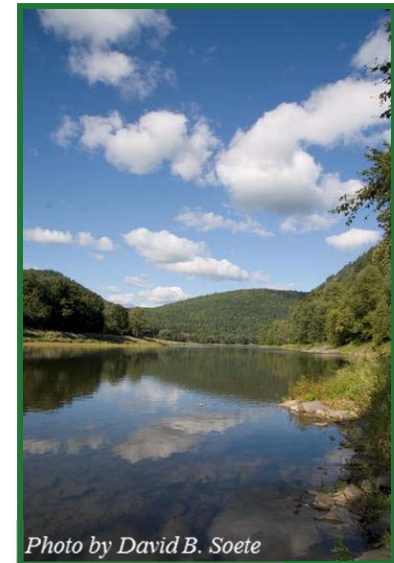


Photo by David B. Soete



Delaware River Basin Commission

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Agenda

Item	Description	Lead
1	Welcome and Introductions	S. Tambini
2	Draft Rules	P. Bush
3	Administrative Agreement Example (NJ)	B. Muszynski
4	FAQs and Next Steps	S. Tambini
5	Questions, Comments and Input	Committee Members
6	Additional Input and Dialogue	As time allows

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Resolution No. 2015-4

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

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.
- Achieve the same or improved environmental results.

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

What authorizes DRBC to use One Process and One Permit?

- **Compact § 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 § 2.3.3** – authorizes DRBC to enter into administrative agreements with federal & state agencies to meet the objectives of its regulatory programs.

What needs to be done to implement the One Process/One Permit Program?

- ❑ **Rulemaking to amend the RPP**
 - Develop and publish rules in the federal and state registers and on the Commission's website
 - Proposed rule will be posted on website on or around May 8
 - Public Comment period through July 1, 2015
 - Public Hearing on June 9, 2015
 - Opportunities for written and oral comment
 - DRBC prepares a response to comments, incl. any changes as appropriate to the draft based on comments received
 - Commissioners consider and vote on adoption at a public meeting – potentially in September 2015
 - DRBC publishes final rule
- ❑ **Develop and execute administrative agreements (AA's) after notice and a public hearing.**

One Process/One Permit

DRBC-NJDEP Administrative Agreement

- I. General Provisions
 - II. Review of Wastewater Discharge Projects
 - III. Coordinated Review of Water Withdrawal Projects
 - IV. Projects Not Considered to be Wastewater Discharges or Water Withdrawals Within the Scope of the Agreement
 - V. Review of General Permits
 - VI. Separate Actions by Commission
 - VII. Other Requirements
 - VIII. NJ Demonstration Program**
 - IX. Administrative Provisions
- Appendices

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One Process/One Permit

DRBC-NJDEP Administrative Agreement

What are the Principle Provisions of the DRBC – NJDEP Administrative Agreement?

- One lead agency for the water withdrawal and wastewater discharge programs
- Collaborative processes with roles and responsibilities of DRBC and NJDEP defined
- Continued involvement of DRBC in the review of wastewater and water withdrawal projects
- Preservation & recognition of the respective authorities and standards
- One permit that includes DRBC *and* State agency requirements, relying on the most protective/ stringent
- Simplifies & clarifies programs for the regulated community

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DRBC-NJDEP Administrative Agreement

What are the Principle Provisions of the Administrative Agreement? (cont'd)

- NJDEP will include a finding based on DRBC staff's recommendation that the project does not substantially impair or conflict with the Commission's Comprehensive Plan
- Commission approves addition of new projects to the CP
- Executive Director or any Signatory Party can determine that a project should be subject to review and adjudication by the Commission
- Compliance coordination – State lead
- Dispute resolution process
- If issues cannot be resolved each party will issue a separate approval instrument or other determination
- Implementation of a Demonstration Program
- Separate agency fees remain in effect

One Process/One Permit DRBC-NJDEP Administrative Agreement

What is the Demonstration Program? (Section VIII)

- Opportunity to “practice” using the new collaborative processes set forth in the 2015 Administrative Agreement
- Only applies to wastewater discharge projects selected by the DRBC and NJDEP
- Existing 2009 Administrative Agreement remains in effect for other projects
- Where necessary, may result in revisions to the coordinated review processes used

One Process/One Permit

DRBC-NJDEP Administrative Agreement

How are selected wastewater discharge projects processed during the Demonstration program?

- DRBC and NJDEP will select projects from existing in-house applications
- DRBC and NJDEP will use the processes outlined in the 2015 AA; DRBC will provide conditions recommended to support a finding of consistency with the Comprehensive Plan
- NJDEP will include the more stringent of state or DRBC requirements in the NJPDES permit
- **DRBC and NJDEP will issue separate approvals if the project approval stage is reached during the demonstration period.**

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One Process/One Permit DRBC-NJDEP Administrative Agreement

**What is the Duration of the Demonstration Program?
The Program will end on the later of:**

- Effective date of the new DRBC rules for “One Process/One Permit” (Full AA will go into effect); OR
- January 1, 2016 (If no rule yet in place, continue to work to find an effective cooperative review process); OR
- When 8 demonstration project applications have been processed

**The Demonstration Program may be extended
by the Parties.**

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One Process/One Permit Program

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

- 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.

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