

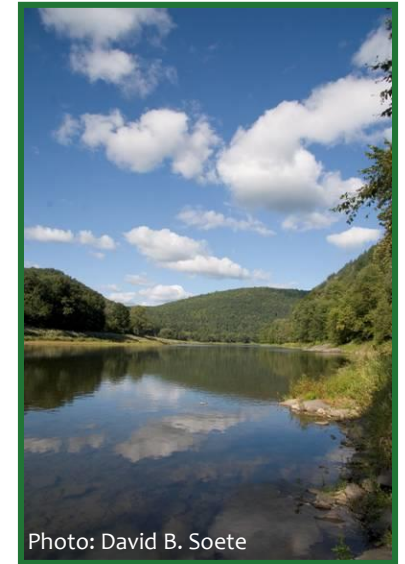
Delaware River Basin Commission

Progress and Benefits of the DRBC **One Permit Program** in NJ and NY

*Kenneth F. Najjar, PhD, PE
Shane M. McAleer, PE
Water Resource Management
Branch*

*NJWEA 103rd Annual Conference
Atlantic City, NJ*

May 9, 2018



Progress and Benefits of the DRBC One Permit Program in NJ and NY

Today's talk will cover...

1. One Process/One Permit Program (One Permit Program)
2. Implementation
3. Status / Progress

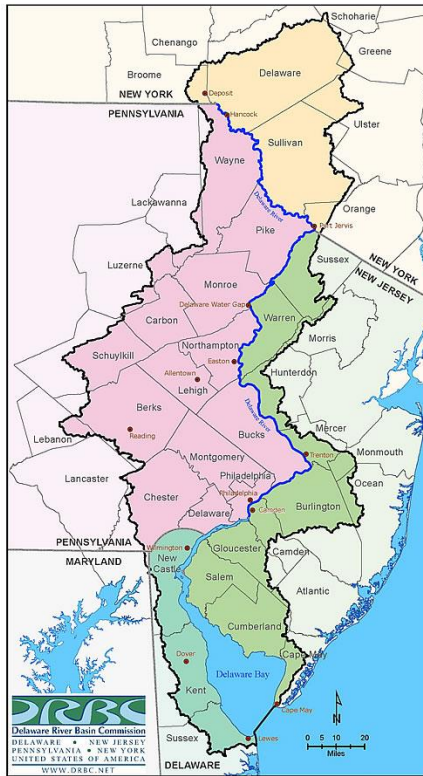


Delaware River Basin Commission

DELAWARE • NEW JERSEY
PENNSYLVANIA • NEW YORK
UNITED STATES OF AMERICA

“A river is more than an amenity, it is a treasure”

-US Supreme Court Justice
Oliver Wendell Holmes



Fast Facts:

- Delaware River Main stem river is **330 miles long**
- **Drains 13,539 square miles** of watershed.
- **~15 million people** (about 5% of the U.S. population) rely on the waters of the Delaware River Basin
- Water **withdrawal** in the Basin = **6.4 billion gallons a day**
- **Contributes over \$21B in economic value** to the Region.

Delaware River Basin Commission Founded by *Compact* in 1961

Five Equal Members:

- Delaware
- New Jersey
- Pennsylvania
- New York
- Federal Government

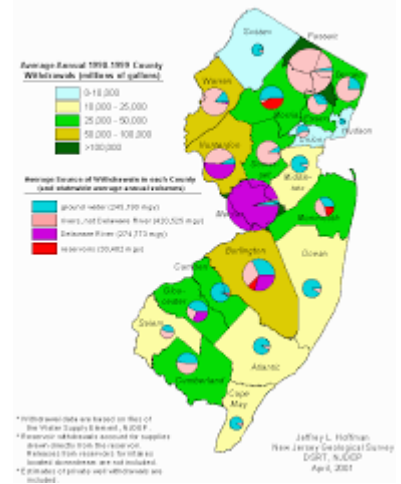


Note: New York City and Philadelphia are “advisors” and not members

One Permit Program

1. Authority for Administrative Agreements (AAs)
2. One Permit Program Description
3. DRBC/NJDEP Administrative Agreement (AA)
 - a. Wastewater Discharges
 - b. Water withdrawals
4. DRBC/NYSDEC Administrative Agreement (AA)
 - a. Wastewater Discharges
 - b. Water withdrawals
5. Implementing the Program

Average Freshwater Withdrawals in New Jersey, 1990-1999, by County and Source of Water



NJ Geological Survey

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 § 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 (AAs) with federal & state agencies to meet the objectives of its regulatory programs.

Resolution Nos. 2015-4 & 2015-9

Resolution No. 2015-4; Authorizes the Executive Director to:

- ❑ initiate rulemaking to provide specific authorization for and define the scope of the One Permit Program; and
- ❑ enter into an AA with New Jersey to provide for demonstration of the program

Resolution No. 2015-9:

- ❑ Amends the DRBC Rules of Practice and Procedure (RPP) to add the One Permit Program; and
- ❑ Makes effective the March, 2015 DRBC NJDEP AA, superseding previous DRBC NJDEP AA

Rulemaking Implementing the One Permit Program

- ❑ **Rulemaking to amend RPP - Resolution No. 2015-9**
 - Final Rule effective date March 4, 2016
- ❑ **Administrative Agreements (AAs):**
 - NJ - March, 2015
 - NY- March, 2016

Which regulatory programs are included in One Permit Program?

The rule provides the basis for the One Process / One Permit approach to activities over which DRBC and a Signatory Party (e.g. NJ/NY) both exercise regulatory authority.

- Water withdrawal & wastewater discharge programs are currently included.
- Other programs may be added in the future by amending administrative agreements or entering into additional agreements.

Benefits of the One Permit Program

- ❑ Provide for eligible projects to be managed through a single process resulting in one decision or approval (permit).
- ❑ 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.

One Permit Program

DRBC-NJDEP Administrative Agreement (AA)

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 defined roles and responsibilities of DRBC and NJDEP
- 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 reg. community

One Permit Program

DRBC-NJDEP Administrative Agreement (AA)

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

- NJDEP includes 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

Administrative Agreement

Review of Wastewater Discharge Projects

Program Implementation (NJ, NY)

Project Categories:

- No DRBC Review (WW1) – Domestic WWTPs and Industrial WWTPs with design capacity of less than 10,000 gpd (Special Protection Waters - SPW) or 50,000 gpd (Non-SPW)
- Simple Renewals (WW2) - Existing discharge with a NJPDES/SPDES permit and a DRBC docket
 - Non-SPW - no increase in flow or load
 - SPW - NO Substantial Alterations or Additions (SAA)
- Other Projects (WW3)
 - New Discharges
 - Existing discharges without DRBC or NJPDES /SPDES approval
 - Existing discharge with increase in flow or load
 - Existing SPW discharge Substantial Alterations or Additions

One Process - One Permit AA

Coordinated Review of Wastewater Discharges

Agency Responsibilities

NJDEP/NYSDEC Responsibilities:

- Serve as lead permitting agency
- Notify DRBC annually of scheduled NJPDES/SPDES permits
- Provide pre-draft permits to DRBC
 - Include DRBC Water Quality Requirements
 - Include § 3.8 **FINDING** based on DRBC input
- Refer applicants to DRBC for waivers or determinations as appropriate
- Issue NJPDES/SPDES permits
- Conduct enforcement and compliance

One Process - One Permit AA

Coordinated Review of Wastewater Discharges

Agency Responsibilities

DRBC Responsibilities:

- Consider and act on CP amendments where necessary
- Provide comments re DRBC water quality requirements, including those relating to SPW No Measurable Change (NMC) and Substantial Alterations or Additions (SAA)
- Provide technical assistance to State
- Make determinations re waivers and modifications of DRBC requirements, for inclusion in NJPDES permits

For WW3 projects, DRBC is involved earlier in the process, preferably during design stage

One Permit Program NJ AA

Coordinated Review of Water Withdrawals

Program Implementation (NJ)

Project Categories:

- No DRBC Review (WA-1)
 - Water withdrawals or diversions into or out of basin less than 100,000 gpd/30days
 - Withdrawals for agricultural use within NJ
- Notification (WA-2) - Existing withdrawal with NJDEP water allocation permit and a DRBC docket, with no change to the diversion or approved withdrawal amounts
- Notification and Review (WA-3)
 - New water withdrawal projects or diversions
 - Renewals/modifications that never had a DRBC docket
 - Change in monthly/annual withdrawal/diversion amount

One Permit Program NJ AA

Coordinated Review of Water Withdrawals

Agency Responsibilities

NJDEP Responsibilities:

- lead permitting agency
- Provides 30 days for DRBC comment
- Advise applicants and DRBC if relief or modification of DRBC requirement is necessary

DRBC Responsibilities

- Provide Technical Assistance if requested
- Provide NJDEP Comments within 30 days
- Incorporate project to CP if required
- Review and provide determinations regarding relief or modification of DRBC requirement

One Permit Program AA Wastewater Discharge What To Expect (NJ/NY)

What to expect in NJPDES and SPDES permits

- DRBC Recommendations within 30 days of issuance of pre-draft or draft permits
- Standard DRBC language conditions depending on location (non-tidal, tidal, estuary, main stem, SPW) and nature (e.g. industrial, domestic, cooling water) of discharge
- Additional effluent monitoring for DRBC parameters, specific to location and nature of discharge
- Additional DRBC conditions or requirements (PCB requirements, toxicity or thermal mixing zone analysis, etc.)
- FINDINGS statement

One Process -One Permit AA Wastewater Discharge Permits DRBC/State Requirements

Non-Tidal, Non-SPW discharges (basin-wide parameters)

- Domestic WW
 - pH - 6-9
 - Total Suspended Solids - 30 mg/l
 - BOD₅ (or CBOD₅) – 85% minimum removal
 - **Fecal Coliform – 200 colonies per 100 ml**
 - **Ammonia - 20 mg/l**
 - **Total Dissolved Solids - 1,000 mg/l (quarterly monitoring)**
- Industrial WW; Cooling or Process Water
 - **Total Dissolved Solids – 1,000 mg/l (monthly monitoring)**
 - **Color - 100 units Pt-Co scale**

One Process -One Permit AA Wastewater Discharge Permits DRBC/State Requirements

Tidal discharges

- Domestic WW
 - Basin-wide parameters (pH, TSS, BOD₅, Fecal, TDS)
 - Whole Effluent Toxicity (WET) **dual species testing every 10 yrs**
 - Toxics (including metals)
 - **CBOD₂₀ % removal & load allocation (Zone specific)**
 - **PCBs**
 - Ammonia – **35 mg/l**
- Industrial WW; Cooling or Process Water
 - **Basin-wide parameters (TDS, color)**
 - WET and Metals
 - **PCBs**

One Permit Program AA

Wastewater Discharge Permits

DRBC/State Requirements

SPW discharges (Domestic or IWTPs)

- Basin-wide parameters (pH, TSS, BOD₅, Fecal, TDS, Ammonia)
- Total Phosphorous
- Dissolved Oxygen
- Total Nitrogen, Nitrate (Lower Delaware SPW)
- TKN, Nitrate + Nitrite (Upper and Middle Delaware SPW)
- No Measurable Change (NMC) evaluation
- Natural Treatment Alternatives (NTA) analysis
- SPW emergency provisions (standby power, alarm, EMP)

One Permit Program AA Wastewater Discharge Status / Progress

NJ Projects (NJDEP NJPDES permits)

- 44 projects total
- WWTPs (domestic), IWTPS (industrial), and non-contact cooling water (NCCW)

NY projects (NYSDEC SPDES permits)

- 3 projects officially administered through One Permit Program
- Approximately 10-15 projects with review and comment by DRBC staff, but have not (yet) included DRBC FINDING

One Permit Program AA Water Withdrawals Status / Progress

NJ Projects (NJDEP water allocation permits)

- Approximately 50 projects
- Surface water withdrawals and groundwater withdrawals

NY Projects (DRBC Dockets)

- DRBC is lead agency
- Dockets issued

One Permit Program

Questions?



Delaware River Basin Commission

DELAWARE • NEW JERSEY
PENNSYLVANIA • NEW YORK
UNITED STATES OF AMERICA