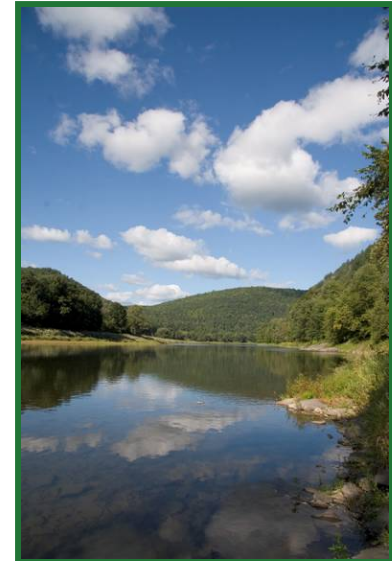


Delaware River Basin Commission

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

*Commission Public
Hearing*

June 9, 2015



Delaware River Basin Commission
DELAWARE • NEW JERSEY
PENNSYLVANIA • NEW YORK
UNITED STATES OF AMERICA

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

- **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.

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.

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

WRITTEN COMMENTS

Submit at today's hearing; or

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.