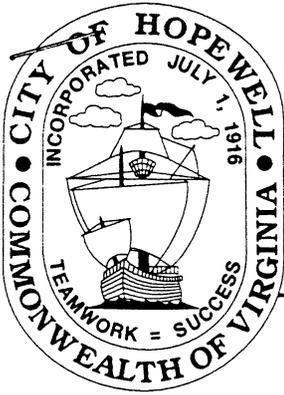


US EPA ARCHIVE DOCUMENT



The  
City  
of  
Hopewell, Virginia

Hopewell Regional Wastewater  
Treatment Facility

P. O. Box 969 • Hopewell, Virginia 23860 • (804) 541-2210 • Fax (804) 541-2441

August 3, 1999

Beth A.M. Termini, Esq.  
3RA20  
USEPA REGION 3  
Office of Reinvention  
1650 Arch Street  
Philadelphia, PA 19103-2029

RE: City of Hopewell, Hopewell Regional Wastewater Treatment Facility  
Project XL Proposal

Dear Ms. Termini:

This letter is in response to our telephone conference call on July 26, 1999. I understand from our conference call that compliance screening of each industrial user specified in the HRWTF Project XL Proposal has been conducted and will be criteria in evaluating our proposal. As you described, EPA is setting a standard in our case that not only does HRWTF need to pass a compliance screen, but so do all the industrial users who may potentially benefit from regulatory relief. While a decision has not yet been made, you indicated that EPA might seek to exclude an industrial user that did not pass the screen from participating in the project.

This standard, presumably to be applied to all pretreatment XL projects, is not inconsistent with one interpretation of the guidance, Compliance Screening Process for Project XL (September 1998), posted on EPA's XL web site. However, the guidance seems to be written primarily with corporations and various entities thereof in mind (e.g., regional offices, independently operating plants, etc.)

Given the unique relationship between a Control Authority and industrial users, we believe that the guidance should be interpreted more broadly than you indicated it would be for all projects involving a local government proposing a pretreatment XL project to pilot regulatory reinvention concepts. For example, the guidance appears to establish a threshold around the concept of "integrally related"—that is, participation may be allowed in situations where compliance actions or issues are not integrally related to the XL project. Under a pretreatment XL, we would argue that significant noncompliance with pretreatment regulations are integrally related, while enforcement activities in media programs unrelated to pretreatment, e.g., air, are not integrally related. We look forward to future discussions on interpreting the guidance.

The primary purpose of this letter is to focus on the issue of eXcellence and Leadership. The statement was made that enforcement actions (of any kind, in any regulatory program) don't demonstrate excellence and leadership. Putting interpretive issues aside for the moment, we identify below numerous specific actions where the HRWTF Commission members (including Smurfit-Stone Container and AlliedSignal-Hopewell) have demonstrated excellence and leadership. To us, excellence and leadership are defined by embarking on *voluntary* projects ahead of or in the absence of any requirement, testing *innovative* practices and technology, working *cooperatively* with stakeholders, locally, regionally, and nationally, and *sharing* lessons learned with industry colleagues as well as regulatory partners.

#### **HRWTF's Excellence and Leadership in Water Media**

- In 1994 HRWTF was issued a revised NPDES permit with ammonia limits for the first time in the history of the facility. Through a cooperative effort of AlliedSignal-Hopewell Plant and the HRWTF Commission, compliance with those new ammonia limits was realized nine months early and the POTW effluent has remained in consistent compliance to this date.
- Completed a six-year voluntary scientific research project in 1999 for the treatment and control of nitrogen, toxicity and bioaccumulative compounds of concern at HRWTF.
- Implemented a voluntary watershed monitoring program (building on past scientific studies sponsored by the HRWTF Commission) in the Hopewell estuarine region beginning in 1998 and to continue indefinitely.
- Implemented voluntary submerged aquatic vegetation (SAV) restoration studies and plantings in the Hopewell estuarine region begun in 1999 (in cooperation with the Virginia Institute of Marine Science and the Chesapeake Bay Foundation). This project will continue in 2000.
- The HRWTF Commission is currently contemplating voluntary nitrogen reduction from HRWTF through an innovative de-nitrification treatment process at a capital cost of \$3.6 million (annual operations and maintenance cost of \$0.06 million).

#### **HRWTF's Excellence and Leadership in Air Media**

- Installation of Reasonably Available Control Technology for volatile organic compound control at HRWTF six months early (completed under consent order required through the Virginia SIP plan) in 1997.
- Completed the voluntary installation and operation of a total hydrocarbon monitor in the sewage sludge incinerator stack (for four years before the self-implementing regulation was promulgated in 1999, off-line now for equipment upgrades and Y2K modifications).
- Completed voluntary upgrades to the air pollution control equipment to the sewage sludge incinerator emissions in 1997.

**HRWTF's Excellence and Leadership in Solid Waste Media**

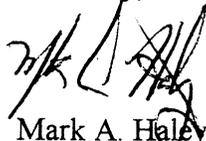
- Performed a voluntary investigation into incinerator ash reuse in 1993-1994.

These actions, above and beyond normal operations, including both voluntary and early reduction efforts, demonstrate excellence and leadership on the part of the HRWTF Commission. Notably, they have and are being undertaken at a significant expense of resources. These investments are clearly the mark of a world class POTW among its peers.

Finally, members of the HRWTF Commission are prominent in the Hopewell Community Industrial Panel, a nationally recognized and award winning public-private partnership for community cooperation and communication on issues of environment, health, and safety. This is just another example of leadership demonstrated by Hopewell as a community and the members of the HRWTF Commission.

HRWTF has committed significant resources into this XL project proposal. We have submitted a new and interesting concept proposal that can be successfully piloted in the unique Hopewell community. Removing one or two of the five major significant industrial users from the project renders the concept proposal useless to EPA, Virginia, and Hopewell. I hope we will have the opportunity to resolve the issues you raised on the 26<sup>th</sup> and further develop this XL project proposal with you and the other stakeholders.

Sincerely,



Mark A. Haley  
Director

c: Mike Cook, EPA  
Thomas Voltaggio, EPA  
Christopher A. Knopes, EPA  
Larry Lawson, Virginia DEQ  
Burt Tuxford, Virginia DEQ  
HRWTF Commission  
Robert C. Steidel, HRWTF  
Jeanie Grandstaff, HRWTF  
Bill M'Coy, Malcolm Pirnie  
Elise Bacon, Hagler Bailly  
File