

US EPA ARCHIVE DOCUMENT

Mr. Mike Jez  
City Manager, City of Denton  
Denton, TX 76201

Dear Mr. Jez:

I am pleased to inform you that the City of Denton's pre-treatment pilot project has been selected to enter into the Project XL development phase. The City's Pretreatment Program Reinvention Pilot Project under Project XL is in response to the U.S. Environmental Protection Agency's (EPA) request for pre-treatment proposals in the June 23, 1998, **Federal Register** (Vol. 63 FR 34170).

Project XL was created to encourage innovative environmental strategies for the 21<sup>st</sup> century and to foster excellence and leadership in environmental protection. We believe your proposal exhibits good potential to accomplish these goals. We look forward to working with the City of Denton and other appropriate stakeholders to develop a Final Project Agreement (FPA) which will detail the commitments and expectations of all the parties in the FPA.

The first order of business is the continued development of a thorough stakeholder involvement plan. The City of Denton has requested assistance from the Agency for development of potential stakeholders, and the Agency is coordinating with the City in responding to their request for assistance. The April 23, 1997, **Federal Register** (62 FR 19872) describes in more detail what the stakeholder process is, and that the City should continue to fine tune the list and the description portion of stakeholder participants in the FPA describing the community, environmental groups, industry groups, and the State. An additional aid in developing a thorough stakeholder plan is the **Project XL Stakeholder Involvement** document. It can be found on the Project XL website at <http://www.epa.gov/projectxl>, or a hard copy of the document can be provided either by the Region 6 project lead or the Project XL Headquarters lead.

There are three of areas of concern that must still be addressed. First, what occurs if the project fails to meet project expectations? To address this concern, the FPA will include provisions for: a "Soft Landing" plan - a plan and timetable for returning to compliance, if the project fails to meet expectations or if the sponsor decides to end their participation; and a "Hard Landing" plan - the FPA will set out conditions that, if met, would trigger a need or requirement for an immediate return to compliance. The FPA will also outline criteria which are negotiated in determining when the project schedule must be implemented. Second, we look forward to further discussing reporting and monitoring issues with you, which may impact the determination of significant noncompliance, to ensure equivalent or superior environmental protection. Lastly, industrial users participating in a project aimed at promoting excellence and who are also receiving regulatory flexibility offered by the project should be appropriate partners. The EPA will develop a screening process that looks at the compliance status of the user in order to make an informed judgment regarding the likelihood of the participant's ability to achieve superior environmental results in Project XL, as well as the appropriateness of providing the participant with any regulatory flexibility sought. The evaluation

criteria will be similar to those established in published Agency guidance, “Guidance for Compliance Screening for Project XL.”

The EPA has assembled a project team to work with you, the City of Denton, and the stakeholders in developing the final FPA. Our Agency team is led by Adele D. Cardenas, P.E., of my staff, and Chad Carbone in our Headquarters Office of Reinvention. You can contact Ms. Cardenas at (214) 665-7210 or by e-mail at [cardenas.adele@epa.gov](mailto:cardenas.adele@epa.gov). They will be in touch with you shortly to commence the stakeholder involvement process and the next steps for FPA project development.

We are pleased to work with the City of Denton in a process that holds such promise for environmental innovation.

Sincerely yours,

Gregg A. Cooke  
Regional Administrator

cc: Honorable Jack Miller  
Mayor of Denton  
Mr. Ralph Marquez  
Commissioner, Texas Natural Resource Conservation Commission  
Mr. Trace Finley  
Special Assistant Reinvention Activities  
Texas Natural Resource Conservation Commission  
Mr. Jim Coulter  
Assistant Director of Waste Water Utilities, City of Denton  
Mr. William McCullough  
Pretreatment Program Manager, City of Denton  
Mr. Howard Martin  
Assistant City Manager of Utilities, City of Denton