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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6508-6]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Louisville and Jefferson County Metropolitan Sewer District (MSD) Pretreatment Project XL Draft Phase I Project Agreement (PPA).

SUMMARY: EPA is today requesting comments on a draft Project XL Phase I Project Agreement for MSD. The Phase I PA is a voluntary agreement developed collaboratively by MSD, stakeholders, the state of Kentucky, and EPA. Project XL, announced in the Federal Register on May 23, 1995 (60 FR 27282), gives regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits than would have been achieved without the flexibility. This Phase 1 Project XL Agreement is the first phase of a two-part agreement between EPA and MSD. It spells out the intentions of MSD and EPA related to data collection and development of pretreatment performance measures and program redevelopment. Due to the phased approach of the project and the data collection and analyses that need to be accomplished by MSD prior to determination of any requested regulatory flexibility, EPA and MSD have adopted a phased approach to the Project XL Agreement. This Phase 1 Agreement contains as much detail as possible at this time regarding the project and the intentions of each party. The Final Project Agreement between EPA and MSD will be signed in the future to implement Pretreatment Program reinvention.

MSD plans to redesign its pretreatment program at the Jeffersontown

WWTP, establishing links between wastewater programs (such as collection system, storm water, sludge), and move towards a more holistic watershed protection strategy (Chenoweth Run watershed). Information gathering and sharing are important aspects of this proposal. Resources will be shifted from the pretreatment program and applied towards other environmental programs for greater environmental gain within the watershed. Before redesigning its pretreatment program, MSD will expend extensive resources collecting data in the watershed and developing performance measures. MSD's requested flexibility will be finalized once data is analyzed and performance measures identified. The Final Project Agreement will include details of MSD's requested flexibility and commensurate superior environmental performance. A notice of availability and request for comment on the Final Project Agreement will be published in the Federal Register at a later date.

MSD has proposed this project for a watershed which is not currently meeting its use designation. In an effort to reduce pollutant loadings and reach use designation, MSD will identify desirable loading patterns within the watershed, including loadings to the collection system and treatment plants, stormwater facilities, and from plants and facilities to receiving waters. MSD plans to use pretreatment program requirement alternatives to encourage industry's aid in funding non-traditional water quality controls such as creating riparian zones and planting trees.

The current MSD XL proposal defers any request for Agency consideration of regulatory flexibility until the completion of data collection in the first phase of the project. Therefore MSD's Phase I Agreement describes a process to conduct data collection and development of pretreatment performance measures, program redevelopment, and program implementation. The proposal, and supplemental information provided to EPA, does set forth the following regulatory areas as potentially requiring regulatory flexibility in the next phases of the project: significant noncompliance; monitoring and inspections; reporting; and definition of significant industrial user (SIU). Upon the completion of the data gathering activities, EPA will work with MSD to develop and articulate more specifically the environmental benefits associated with the flexibility considered in MSD's proposal (e.g., pollution prevention measures or other environmental improvements). An FPA will be negotiated upon receipt of sufficient data for the Agency to evaluate the proposed SEP and associated regulatory flexibility. The site specific rulemaking setting forth the specific regulatory flexibility to be implemented will be developed and will ensure that the project will fully comply with applicable federal requirements under the Clean Water Act.

Opportunities for public comment will be provided once the rule has been drafted.

DATES: The period for submission of comments ends on December 28, 1999.

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ADDRESSES: All comments on the draft Final Project Agreement should be sent to: Melinda Greene, USEPA REGION 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960. Comments may also be faxed to Ms. Greene at (404) 562-9728. Comments will also be received via electronic mail sent to: mallard.melinda@epa.gov.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the draft Phase I Project Agreement, contact: Melinda Greene, USEPA REGION 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960. The document is also available via the Internet at the following location: <http://www.epa.gov/ProjectXL>". In addition, public files on the Project are located at EPA Region 4 in Atlanta. Questions to EPA regarding the documents can be directed to Melinda Greene at (404) 562-9771, or Chad Carbone at (202) 260-4296. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, application information, and descriptions of existing XL projects and proposals, is available via the Internet at <http://www.epa.gov/ProjectXL>".

Dated: December 6, 1999.

Lisa Lund,
Deputy Associate Administrator for Reinvention Programs, Office of Reinvention.

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