

US EPA ARCHIVE DOCUMENT

**PROJECT XL WATER-SPECIFIC ADDENDUM  
FOR THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
GOLD TRACK PROGRAM FOR ENVIRONMENTAL PERFORMANCE**

**I. Purpose of the Addendum**

This Water-Specific Addendum to the Gold Track Project XL Final Project Agreement (Agreement) is a joint statement of the plans, intentions and commitments of the United States Environmental Protection Agency (USEPA) and the New Jersey Department of Environmental Protection (NJDEP) to carry out the water-specific phase of Gold Track.

The regulatory flexibility proposed in this Addendum is for **State-only requirements**. No federal regulatory flexibility is required.

This Addendum does not create legal rights or obligations and is not an enforceable contract or a regulatory action such as a permit or a rule. This applies to both the substantive and the procedural provisions of this Addendum. While the parties to the Addendum fully intend to follow these procedures, they are not legally obligated to do so. Any commitment described in this Addendum as enforceable will be so implemented and become effective through a legal implementing mechanism such as a rule and/or a permit.

**II. Commitments**

Gold Track Participants will incorporate enhanced pollution prevention and/or source reduction in day-to-day operations via the following:

Pollution prevention/source reduction Gold Track participants will explore and appropriately implement ways to reduce potable or surface and ground water use through conservation and/or effluent reuse. Possible on-site effluent re-use options include fire-fighting, toilet flushing, irrigation, parking lot cleaning, truck washing, etc.

Gold Track participants will consider modification of on-site storm water collection to redirect it to storage for future onsite irrigation/ground water recharge.

- b. Gold Track participants will consider construction of on-site wastewater storage capacity or process modifications to minimize discharges to Publicly Owned Treatment Works

(POTWs) during wet weather events, especially in areas serviced by combined sewers.

Gold Track participants will endeavor to reduce the quantity of TRI listed chemicals discharged to POTWs that are not biodegradable and for which there is no applicable surface water criteria available for limit development.

### III. Regulatory Flexibility

Expedited permit renewals - The Department will provide administrative relief by allowing expedited permit renewals. A facility could file a one-page renewal application that basically certifies that no changes have been made to the facility, thereby allowing the DEP to renew the permit with essentially the same limits/conditions (unless changes are otherwise warranted). Also, the Department will consider dovetailing different media permits so that the industry's permits run and expire concurrently.

Expedited and smart permits B For Gold Track participants, the Department will be willing to develop a permitting schedule that reflects the critical path of sequential permitting activities. Mutually agreed upon application submission and review schedules will be developed jointly, through detailed pre-application discussions. In processing new permits or permit modifications, the Department will expeditiously provide all possible technical assistance to Gold Track participants in addressing their needs for present and future operational flexibility. The Department will endeavor to issue permits that cover multiple operating scenarios and more effectively address future needs. The Gold Track participants will be provided with the opportunity to work closely with a permit writer and compliance and enforcement staff to discuss specific needs and agreement on the concepts proposed in a permit application.

#### Reduction in monitoring frequency

- a. Indirect discharges - The Department will allow for decreased monitoring (to the federal minimum) where pollutants are found to be not present. The Department would require at least one year (12 data sets) worth of monitoring data, and a written request from the industry. Where requested, the Department will incorporate into the permits, at the time of issuance, tiered monitoring which will allow for a reduction in monitoring frequency without the need for a major modification.
- b. Surface water discharges - The Department will grant frequency reduction requests for non-limited parameters, should the data warrant it. Only a letter from the permittee will be required to implement such frequency reduction. Four consecutive Anon-detect@

results are necessary in view of the commonly used quarterly monitoring frequency thus providing a year of data over four seasons.

c. Storm water discharges - The Department will remove state imposed permit limitations if the facility has developed and implemented a Stormwater Pollution Prevention Plan that adequately addresses areas of exposure, and has submitted Discharge Monitoring Reports for three years which demonstrate that the discharges are significantly below the permit limitation. Where permit limits have been removed, monitoring frequency will be reduced, or in some cases, eliminated. Permit limits and monitoring based on Federal Effluent Guidelines may also be removed and/or reduced if the facility can certify that those pollutants would not be in the discharge.

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Delegated local agency (DLA) participation - The DEP is willing to facilitate a dialogue between Gold Track candidates/participants and the affected delegated local agency relative to participation in and implementation of the Gold Track flexibility within a DLA's service area. The Department believes that many of the DLAs in this state are progressive in their thinking with regards to both environmental and resource issues, and therefore will be receptive to the goals of the Gold Track program. This forum could also be used to pursue expeditious endorsement of the TWA applications. However, these DLAs are ultimately responsible for the treatment of the wastewater discharged into their systems and must be allowed to manage their pretreatment programs in the way they think is necessary to accomplish their goals and requirements.

#### Treatment Works Approvals (TWAs)

- a. Modification of Treatment Units - The Department will establish a protocol allowing the Gold Track Participants to undertake the construction and operation of certain Industrial Treatment Works in non-delegated areas without first obtaining a Treatment Works Approval. The scope of projects qualifying under this protocol shall be limited to modification of lawfully pre-existing treatment units (conveyance components not included) that do not result in any increase in the quantity and/or reduction in the quality of the effluent discharged. A written notice to the Department prior to undertaking the modifications will be required and the facility must apply for a General Industrial TWA within 30 days of the end of the reporting quarter. This will eliminate delays in modifying existing treatment units and will enable the industry to group a number of modifications (undertaken within the quarter) in one TWA application. The facility's responsibility to meet any other applicable federal, state or local requirements shall remain unchanged.

Conveyance TWAs - The Department will process all TWA applications, including those with

conveyance aspects, within 30 days, rather than the current 90-day time frame.