REPORT OF THE PERMITTING TASK FORCE TO GOVERNOR M. JODI RELL

April 2010

I. INTRODUCTION

A responsive and balanced regulatory system is vital to promoting the state's economy and the welfare of its citizens. However, regulations must be targeted to accomplish this result without imposing unnecessary or excessive burdens on businesses and individuals. To ensure development is accomplished in a safe, orderly and consistent manner, Connecticut has established processes for issuing permits for projects that impact the environment, public health and public safety. Despite the best of intentions, many processes have proven to be cumbersome and time consuming, resulting in costly delays of development projects and hindering business expansion. It is in the interest of Connecticut's citizens that these processes be examined to determine if permits can be issued in a more efficient manner.

To this end, the Permitting Reform Task Force ("Task Force") was created pursuant to Executive Order No. 39 (See Appendix A). The Task Force is comprised of consumers and representatives of business and industry, the construction industry, labor and municipalities (See Appendix B). The Task Force held six public meetings that were attended by key stakeholders, including environmental groups and members of the public that were encouraged to, and in fact did, participate in discussions. Consistent with the direction of the Executive Order, participants included agency representatives, including multiple representatives from DEP, who actively contributed to the discussion at the Task Force meetings as well as the meetings of the Task Force's subgroups. Top management from DECD, DEP, DOT and DPH were among the meeting participants.

The focus of the Executive Order, and in turn the Task Force, was on the advancement of the state's economy and its competitiveness via recommendations to improve the efficiency of various regulatory permitting processes. The Executive Order directs the examination of how permits are issued "by various state agencies" but not local and federal agencies. Existing local and federal permitting processes and procedures may cause time-consuming delays that hinder the development of regionally significant responsible growth projects and thereby economic development. For example, approvals from local planning and zoning commissions and permits issued by the U.S. Army Corps of Engineers for certain activities in federally regulated wetlands could adversely impact the timelines for permitting, without furthering the interest in and commitment to environmental protection and public health. There likely are improvements that could be made at the local and federal levels that would benefit regionally significant responsible growth projects and desired economic development, including job creation. However, since the Task Force was directed to "examine the processes by which permits are issued by various state agencies and develop recommendations" an examination of the permitting processes of local and federal agencies was not within the scope of the Executive Order's direction and therefore this report.

II. CHARGE OF THE TASK FORCE

Executive Order No. 39 charges the Task Force to:

A) Examine the processes by which permits are issued by various state agencies and develop recommendations for simplifying, streamlining and, if appropriate, repealing such processes and shortening the time frame for approval to reduce unnecessary burdens, costs and inefficiencies while maintaining appropriate protections for the public health, safety and welfare and the orderly conduct of business.

B) Examine all pertinent issues including but not limited to consistency of forms and procedures; availability of pre-application assistance; intra- and inter-agency cooperation and communications; intra- and inter-agency jurisdictional issues; and ways of eliminating application backlogs.

C) Submit a report containing its recommendations to the Governor no later 45 days after the effective date of Executive Order No. 39.

III. RECENT PERMITTING IMPROVEMENTS IN CONNECTICUT

With the recession, it has become even more critical for the state to attract and retain businesses and jobs. Being responsive to this need is important to our present and future competiveness. In the past two years, several state regulatory agencies, in particular DEP, have initiated improvements to streamline the permitting process. These efforts are beginning to help Connecticut develop a reputation as a state that is welcoming to businesses. Still, more work needs to be done.

Governor Rell has made streamlining the permit processes a top priority for all state agencies. A number of important successes have increased efficiency and effectiveness in key policy areas such as mill/brownfield redevelopment and responsible growth.

A. DEP Permitting Accomplishments

LEAN

As part of the efforts to streamline the permit process, DEP has undertaken a process improvement approach, known as LEAN, which identifies and minimizes wasted time and effort. The LEAN initiative is a continuous improvement technique that identifies and eliminates redundancies, while providing principles and practices to continually improve the way DEP does business. As of this month, DEP has initiated 19 LEAN projects to address environmental quality, conservation and business administration.

Through LEAN, DEP has documented significant reductions in the time it takes to review permit applications and complete enforcement actions. These reductions are noteworthy because they show DEP is working to fulfill its environmental stewardship responsibilities in a thorough manner and that the agency is striving to provide more timely and consistent service to the public.

As budgets tighten, the LEAN initiative is putting more staff people on the frontlines of environmental protection. These more innovative and efficient practices allow DEP staff to work more effectively. Staff now can:

- Provide more timely decision-making;
- Address new environmental challenges and meet new and expanding U.S. Environmental Protection Agency (USEPA) requirements;
- Tackle emerging issues that are often related to personal lifestyle choices that impact the environment; and
- Promote Environmental Sustainability — that reduces energy costs and eliminates waste.

Some examples of the successful LEAN projects can be found in Appendix C.

General Permit

A mechanism for more efficiently processing permits for common activities — general permits — has significantly benefitted the regulated community, DEP and the general public. Providing defined permit criteria and often allowing for self-certification, registrations for general permits now cover half of all DEP-permitted activities. The DEP currently has 56 categories of general permits. Please see Appendix D for examples of general permits recently developed.

DEP Web Site Improvements and eGovernment Initiatives

Over the last several years, DEP has retooled its Web site and many of its Web pages to provide more comprehensive and clearer information to assist businesses, municipalities and the development community as well as the general public. This detailed information, including necessary permit application forms, can be accessed 24 hours per day and is a good starting point for interacting with DEP. The following are some examples of such pages:

- Information on DEP's permitting programs and permitting assistance can be found by following these two links:
  www.ct.gov/dep/permits&licenses
  www.ct.gov/dep/permitguide

eGovernment is the use of information and communication technology to provide and improve government services, transactions and interactions with citizens, businesses and other arms of government. DEP has worked on several key eGovernment projects in the last five years. These projects have ranged from making sportsmen's licenses available online to enabling electronic reporting of air emissions data. These solutions have effectively used technology to collect, store and provide online access to environmental information and data. Benefits include improved customer service, increased efficiency, reduced costs, increased transparency and improved quality control. Appendix E provides a list of accomplishments.

B. DECD Accomplishments

Changes to Floodplain Certification for Brownfield Redevelopment

DECD and DEP have an agreement that greatly improves the DECD process for applying for an exemption under DEP's floodplain management statutes for mill redevelopment. This brings a greater degree of certainty and predictability to the process. Former mill buildings that are renovated to provide a residential component will be considered a non-intensive use of the floodplain when the necessary criteria are satisfied (See Appendix F).

Institutional Changes

The state's commitment to responsible development, including creating brownfield redevelopment opportunities, is reflected in institutional changes at DECD. DECD's Office of Responsible Development (ORD) was created to manage responsible growth projects and to integrate responsible growth/sustainable development principles into its programs. One of ORD's responsibilities is to collaborate with other state agencies to streamline and improve responsible development programs and the permitting processes. The Office of Brownfield Remediation and Development, housed within ORD, is a "one stop" state resource for municipalities, developers, nonprofits and others interested in pursuing brownfield redevelopment opportunities in Connecticut.

C. Comparison to Selected States' Permitting Assistance Programs

As part of the Permitting Task Force, DECD conducted a review of readily available information on the permitting assistance programs of other states, specifically Massachusetts, New York, Ohio and Virginia. Each of these states provides permitting assistance via a regulatory ombudsman, on-line permit tracking, electronic submissions of permit documentation and/or on-line tools to identify permits required for specific projects (See Appendix G).

IV. TASK FORCE RECOMMENDATIONS

1. Processing of Permits – Timetable Certainty

In accordance with C.G.S. Section 22a-6p, DEP is required to adopt regulations to establish schedules for timely action for each permit under Title 22a (Environmental Protection).
The Task Force recognizes that the business community and especially the development community look for certainty regarding timeframes for the issuance of environmental permits. The Task Force understands that there are 26 categories of individual permits and 56 categories of general permits issued by DEP and that these permits may vary greatly in their complexity. Nevertheless, the Task Force believes that DEP should evaluate the timeframes that each permitting program can meet and what resources and/or legislative changes are necessary to, at minimum, meet the following timeframes:

Sufficiency Review – 60 Days

- Sufficiency review begins after DEP receives an application on the correct application forms, the application fees and, when required, confirmation that notice of the filing of the application has been published.

- Once the sufficiency review begins, a Notice of Sufficiency or Notice of Insufficiency of the application should be issued within 60 days. A Notice of Insufficiency will include a deadline for submittal of supplemental material. This response time is dependent on the complexity of the information being requested. If additional information is needed to make an application sufficient, a second sufficiency determination shall be issued within 30 days of receipt of supplemental material.

Technical Review – 180 Days

- The technical review of an application begins once the Notice of Sufficiency is issued by the DEP and should be completed within 180 days. If the DEP requests additional information from the applicant, the 180-day "clock" stops while the applicant generates the requested information. Upon receipt of the requested information, the "clock" begins again. At the end of the 180 days of technical review, DEP shall issue a Notice of Tentative Determination (NTD).

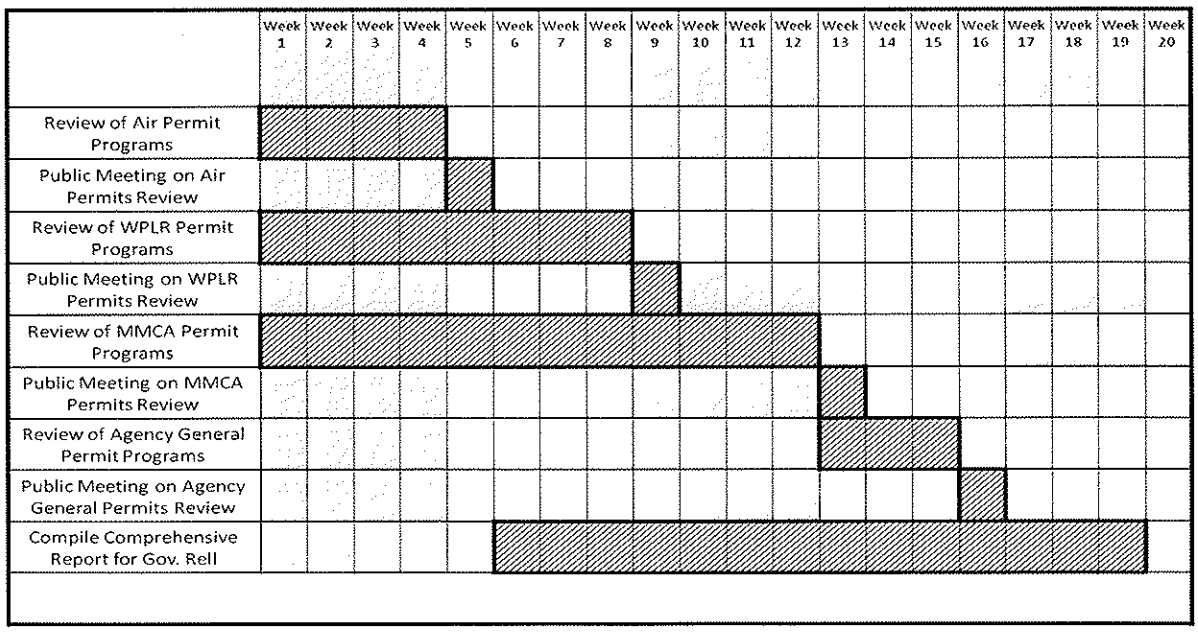
  Note: Should DEP be unable to issue a NTD within 180 days, they shall provide written notice of such delay to the applicant as well as any statewide permitting ombudsman's office (should one be established), indicating the reason for the delay and providing DEP's best estimate of when the technical review may be completed. The Task Force also recommends developing an incentive program to

ensure that the established timeframes outlined above are met approximately 85% of the time.

DEP has agreed to implement a 20-week process to identify the current timeframes that it can meet for the 26 categories of individual permits and 56 categories of general permits that the department issues and the estimated frequency that it expects it can meet such timeframes (e.g., sufficiency review in 60 days 85% of the time). The Task Force expects that DEP will also identify the process improvements, additional resources and staffing and programmatic changes necessary to improve upon the current timeframes with a goal of meeting the Task Force's timetable goals outlined above. DEP will review each Bureau's permit programs and the agency's general permits in accordance with the following schedule:

1. Air Permit Programs (week 1-4)
2. Water Protection and Land Reuse Bureau (WPLR) Permit Programs (week 1-8)
3. Materials Management & Compliance Assurance Bureau (MMCA) Permit Programs (week 1-12)
4. Agency General Permit Programs (week 13-15)

Following the review of each Bureau's permit program, DEP will conduct public information meetings regarding the findings and recommendation of each review. DEP will also compile a comprehensive report for Governor Rell beginning week 6 and completed by week 19. The following chart is a schedule for implementation of the 20-week process. DEP will use its best efforts to accelerate this timetable.



2. Create a state-level permit ombudsman office at DECD for prioritizing and coordinating permits for regionally significant responsible growth projects. House Bill 5208 should be modified to replace DECD "Permit Action Teams" with the establishment of the Permit Ombudsman. The Permit Ombudsman's office will:
   - Develop an operational MOU with state regulating agencies; and
   - Include liaison officers from regulating agencies to assist with permit processing.
   - Timeline: 2010 Legislative Session

3. Pass Senate Bill No. 121 concerning the extension of DEP general permits (See Appendix H).
   - This bill will allow DEP to extend any general permit under title 22a (Environmental Protection) of the general statutes beyond the expiration date;
   - Notice to extend a general permit must be published 180 days prior to expiration date of the permit by DEP;
   - Extended general permit will continue in effect until a final decision is made by DEP regarding renewal; and
   - A registration fee will be required.
   - Timeline: 2010 Legislative Session

4. Expand the use of the general permit process to include water discharge permits for metal finishing pre-treatment discharges. DEP is authorized by the U.S. Environmental Protection Agency to implement the federal Clean Water Act's National Pretreatment Program. There are approximately 300 individual permits authorizing industrial sewer discharges under this program. In addition, there are hundreds of other commercial and industrial sewer discharges covered under one or more of several categories of general permits issued by DEP.

   Develop a general permit to cover discharges to the sanitary sewer from the category of metal finishing and electroplating activities. This will allow up to 75 permitted metal finishing and electroplating discharges, currently operating under an individual permit, to be covered by registration under a single general permit (See Appendix I).

   - Timeline to NTD on Pre-treatment General Permit: September 30, 2010
   - October 15, 2010: Prepare and publish NTD for 30-day public comment.

5. Conduct a survey on the interest of municipal Publicly Owned Treatment Works (POTWs) or Water Pollution Control Authorities (WPCAs) in receiving delegation of the DEP's water pretreatment permitting program with the fees associated with the program going to the municipality. Contrast the efficiencies of the municipal POTWs receiving delegation of the DEP's water pretreatment permitting program with the alternative of DEP adopting a state general permit (See Appendix J)

6. Make legislative changes to wastewater discharge permitting under C.G.S. Sections 22a-430 and 22a-436 to:

- Eliminate a duplicative opportunity for public hearing (See Appendix K); and
- Require DEP to implement its current authority to streamline the permitting process by identifying categories of discharges for which detailed review and approval of engineering plans and specifications is not required (See 22a-430(j)(2)).
- Timeline: 2010 Legislative Session

7. Create new legislation regarding the public hearing process to provide a clear mechanism whereby a petition signed by at least 50 persons requesting a public hearing on a permit application may be withdrawn when the issues or concerns of those requesting the public hearing have been resolved to the petitioners' satisfaction. (See Appendix L).

- Timeline: 2010 Legislative Session

8. Change legislation regarding the adjudicatory process to establish the timeframes for intervening and to allow intervening parties to withdraw request for a hearing if there is a resolution (See Appendix M).

- When there is a public hearing and an agreement is reached with any intervenors and intervening parties, in lieu of proceeding with the adjudicatory portion of the public hearing, it should be possible for the applicant and DEP to offer evidence in the form of existing exhibits and written testimony (which will be the record) and an agreed proposed decision; and
- A deadline for intervention would help add certainty to the public process.
- Timeline: 2010 Legislative Session

9. Expand eGovernment initiatives within all agencies to provide clarity in the permitting process.

- Permit wizard — Create an online tool to identify the permits, licenses and registrations businesses need by answering questions and providing resources and contacts.
- Permit tracking online.
- Create Online Electronic Submission of Permit Application and Documentation.
- Develop Pilot and/or Implementation Plan and costs.
- DOIT to coordinate effort with all state agencies.
- Look into potentially utilizing the electronic services provided by the Connecticut Licensing Information Center (Smart Start Program) to streamline these initiatives.
- Timeline: By October 1, 2010

10. Streamline permitting process for permits involving more than one state agency (multi-jurisdictional).

- Coordinate review/approval for DEP flood management with Department of Transportation hydraulic reviews. DOT hydraulics to provide comments to the DEP to avoid a duplication of efforts where possible.
- DOT to develop a process to expedite encroachment permit application for minor activities.

- Develop an approach to overlap Planning & Zoning (P&Z) and State Traffic Commission (STC) permitting processes for site plan approval without compromising the local approval process.
- Timeline: By October 1, 2010

11. The Regulations of Connecticut State Agencies, or RCSA, in force at the time of application should be those that are used to evaluate the project seeking approval. Changed regulations, as well as draft and proposed regulations, should not be utilized once the application has been submitted and is under review.

12. The Task Force recognizes that the Department of Public Utility Control approval process could also require streamlining. However, due to the limited time, the Task Force was unable to review the details surrounding DPUC's permitting processes (i.e. timeframes for each application submitted for Class I, II and III renewable portfolio standard (RPS) eligibility). The Task Force recommends additional study of this and other relevant permitting issues (identified in Appendix N).

- Timeline: DECD to work with DPUC to come up with recommendations by September 1, 2010.

13. The Task Force's deliberations were primarily focused on DEP permits and processes. The Task Force recognizes that similar improvements in other state agencies such as DOT, DPH, DPUC and the Connecticut Siting Council need to be addressed as well. A list of questions to gather the data (identified in Appendix N) was given to these agencies. Agencies are requested to provide a response by May 1, 2010. The Task Force may reconvene subsequent to review the responses.

14. During the Task Force's meetings and deliberations, there was considerable discussion regarding the need for clarity concerning, and time frames applicable to, participation in the permitting process pursuant to the Connecticut Environmental Protection Act, C.G.S. Section 22a-14, et seq. Comment was also provided on the potential benefits to development and business expansion in the state if there were revisions to, and a tightening up of steps in, the Connecticut Environmental Policy Act, C.G.S. Section 22a-1, et seq. process, which applies to certain permit applications. Several Task Force members noted that the delay occasioned by this latter process could be a disincentive to the pursuit of state funding in support of desired regionally significant responsible growth projects. The Task Force recommends additional study of these issues.

15. All state agencies involved in the regulatory process should strive to maintain cultural behavior that encourages economic development and respect for the development time line and the associated costs.

APPENDIX A

STATE of CONNECTICUT

BY HER EXCELLENCY
M. JODI RELL
GOVERNOR

Executive Order No. 39

WHEREAS, a responsive and balanced regulatory system is vital to promoting the State's economy and the welfare of its citizens; and

WHEREAS, said regulatory system must be targeted to accomplish this result without imposing unnecessary or excessive burdens on businesses and individuals subject to State regulation; and

WHEREAS, in order to ensure that development is accomplished in a safe, orderly and consistent manner Connecticut has established processes for issuing permits for projects that impact the environment, public health and public safety; and

WHEREAS, such processes often have proven to be cumbersome and time-consuming and result in costly delays of development projects; and

WHEREAS, it is in the interests of Connecticut's citizens to examine these processes to determine if permits can be issued in a more efficient manner;

NOW, THEREFORE, I, M. Jodi Rell, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and Statutes of the State of Connecticut, do hereby ORDER and DIRECT:

1. There shall be established a Permitting Task Force to examine the processes by which permits are issued by various state agencies and develop recommendations for simplifying, streamlining and, if appropriate, repealing such processes and shortening the time that it takes for such permits to be approved in order to reduce unnecessary burdens, costs and inefficiencies while maintaining appropriate protections for the public health, safety and welfare and the orderly conduct of business.

2. The Permitting Task Force shall be appointed by the Governor and shall be composed of consumers and representatives of a) business and industry, b) the construction industry, c) labor and d) municipalities.

3. The Permitting Task Force shall consult with representatives of the various State agencies that issue permits to gain an understanding of the factors involved in evaluating applications for permits.

4. The Permitting Task Force shall examine all pertinent issues including but not limited to consistency of forms and procedures; availability of pre-application assistance; intra- and inter-agency cooperation and communications; intra- and inter-agency jurisdictional issues; and ways of eliminating application backlogs.

5. The Permitting Task Force may hold public hearings as they deem appropriate to solicit suggestions on ways to improve the permitting process.

6. The Permitting Task Force shall issue recommendations no later than 45 days after the effective date of this executive order.

7. Administrative support for the Permitting Task Force shall be provided by the Department of Economic and Community Development.

8. The Permitting Task Force may request and shall receive from any department, division, board or commission of the State such cooperation, assistance, services and data it determines is necessary to carry out the purposes of this order. All State agencies shall cooperate with the Task Force and shall provide information requested by the Task Force in a timely fashion.

This order shall take effect immediately.

Dated at Hartford this 3rd day of February 2010.

M. Jodi Rell
Governor

By Her Excellency's Command:

Susan Bysiewicz
Secretary of the State

APPENDIX B

PERMITTING TASK FORCE MEMBERSHIP

Carol Wallace, Chief Executive Officer, Cooper – Atkins Corp.

Eric Brown, Environmental Policy Council, CT Business & Industry Association

John Olsen, President, Connecticut AFL-CIO

Kenneth Olson, President/CEO, POKO Partners LLC

Honorable Richard M. Moccia, Mayor, City of Norwalk

Beth Barton, Partner, Day Pitney LLP

Bryan Garcia, Program Director, Center for Business and Environment at Yale

Frank Johnson, President/CEO, Manufacturing Alliance of CT

Bonnie DelConte, President, CONNSTEP, Inc.

Bruce L. McDermott, Partner, Wiggin and Dana LLP

Ann M. Catino, Partner, Halloran and Sage LLP

Denise M. Savageau, Conservation Director, Town of Greenwich

State Agency participants (Non-voting):

Honorable Amey Marrella, Commissioner, Department of Environmental Protection

Honorable Joseph Marie, Commissioner, Department of Transportation (Mark Alexander designee)

Ellen Blaschinski, Branch Chief, Regulatory Services, Department of Public Health

Honorable Joan McDonald, Commissioner, Department of Economic and Community Development

Peter S. Simmons, Executive Director, Office of Responsible Development, Department of Economic and Community Development

APPENDIX C

DEP Examples of Results from LEAN Events

Lean Team/Project	Pre-Lean Goals	Post-Lean Results	Reduction/ Improvement
Office of Long Island Sound Permit Program (Lean I – completed) One of the major permits of this program is the Structure, Dredging & Fill (SDF) permit. The program set out to eliminate waste in the application review process that had created extended processing times and inefficiencies, delaying permit issuance and preventing staff from undertaking new initiatives in permitting, compliance, and enforcement. The specific review covered from the permit application to issuance.	Reduce processing time of initial response letter by 85% (205 to 30 days)	Average = 24 days	88.5%
	Reduce processing time from application receipt to permit decision by 78% (566 to 125 days)	Average = 71 days	88%
Air Planning and Standards Division Permit Modeling Program (Lean I – completed) This Division's air modeling process had impacted the timely issuance of new source review (NSR) air permits. The process reviewed included pre-permit application meeting through approval of a dispersion modeling analysis performed in support of a permit application. This analysis is particularly important for the review of new power generation projects.	Reduce processing time for modeling program review by 61% (154 to 60 days)	Average = 64 days	58%

Lean Team/Project	Pre-Lean Goals	Post-Lean Results	Reduction/ Improvement
Inland Water Resources Division, Permitting Program (Lean II – completed) Historical permit review processes and insufficient applications led to a substantial backlog to conduct the initially review of an application and response to an applicant for the Division's various regulatory programs (Inland Wetlands & Watercourses, Floodplain Management, Stream Channel Encroachment Line, Water Diversion, Dam Safety and Water Quality Certification). The work process review focused on the application workflow and sufficiency review processes.	Reduce response times back to applicants by 40%	Sufficiency review process being completed within 90 days (83% of the time)	67%
	Collapse 7 regulatory programs into 2 technical disciplines	7 programs to 2 technical disciplines	65%
	Reduce backlog of pending applications (300 pending applications)	Backlog of pending applications = 132	78%
Wastewater Discharge Permitting Program (NPDES) (Lean IV – project end May 2010) Inefficiencies in the processing of industrial NPDES permit applications and the coordination needed with other Divisions and Bureaus had extended application processing times. The work process reviewed included the entire Industrial NPDES permit application review process.	Reduce time to process permit by 70% (925 to 284 days)	Current average = 135 days (sample size is two applications)	85%

Lean Team/Project	Pre-Lean Goals	Post-Lean Results	Reduction/ Improvement
Water Enforcement Program (Lean I - completed) This program operates three separate enforcement programs – Storm Water Permitting and Enforcement; Industrial Enforcement; and Field Compliance and Enforcement. Each of the program's administrative enforcement processes needed to be evaluated and standardized to improve overall enforcement program timeliness. The work processes reviewed were from the point of an issuance of an NOV, through to its subsequent next steps – either to closure or to an elevated enforcement action (i.e., draft Consent Order).	Reduce violation response review time by 50% (60 to 30 days)	Average = 11.4 days	81%
	Reduce time to draft enforcement document by 70% (387 to 120 days)	Average = 96 days	75%
	Reduce Notice of Violation (NOV) backlog by 75% (998 NOVs to 250 NOVs)	Closed out 776 NOVs; Remaining 222 NOVs	78%

Two additional LEAN events that are important to supporting development projects in Connecticut are the Environmental Land Use Restriction and Natural Diversity Database teams. Land use restrictions are integral to Brownfield redevelopment, as they are often a key remedial tool in returning these valuable parcels back to productive use. Obtaining approval on these documents can be a lengthy process. The new LEAN process at DEP will reduce the process time considerably by eliminating approximately 175 unnecessary process steps.

The Natural Diversity Database team is developing a new, streamlined process for quicker assessments of potential impacts of development. This requirement has historically been a time-consuming process that is associated with many development permits.

APPENDIX D

Examples of recently developed General Permits

General Permit for Flood Management Certification – October 11, 2006
In what is another example of the strong interagency collaboration between DECD and DEP, the agencies agreed to a series of new reforms that will expand the activities allowed under the DECD's Flood Management General Permit. This will make the process of mill redevelopment more user-friendly and efficient. New activities, such as environmental remediation, dredging and structural rehabilitation of historic and residential buildings will no longer be subject to the formal DEP floodplain certification process.

General Permit for a Municipal Transfer Station - November 29, 2007
This general permit authorizes municipalities to construct and operate a municipal transfer station and recycling center that processes a maximum of 120 tons per day of solid waste including recyclables.

General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer - September 7, 2006
This general permit is beneficial to development projects where contaminated soils are encountered. It authorizes the staging, transfer, and temporary storage of contaminated soil and/or sediment and is intended to address the management of these materials when they are generated during projects that are less than 2 years in duration and involve the excavation of earthen material. It establishes a uniform set of environmentally protective management procedures for stockpiling soils when they are generated during projects where contaminated soils are typically managed (held temporarily during characterization procedures to determine a final disposition) including, but not limited to remediation, construction, and utility installation projects.

General Permit for the Discharge of Groundwater Remediation Wastewater Directly to Surface Water - February 9, 2005
Another general permit that can facilitate redevelopment at Brownfield sites, this general permit applies to discharges of groundwater remediation wastewater generated during the process of investigating and remediating groundwater and soil, and other related wastewaters, directly to a surface water, either through a dedicated conveyance, or through any other conveyance system that the permittee is authorized to utilize.

APPENDIX E

eGovernment

What is eGovernment?

eGovernment is the use of information and communication technology to provide and improve government services, transactions and interactions with citizens, businesses, and other arms of government.

DEP eGovernment Projects

DEP has worked on several key eGovernment projects over the last five years. These projects have ranged from making sportsmen's licenses available on-line to enabling electronic reporting of air emissions data. These solutions have effectively used technology to collect, store and provide on-line access to environmental information and data.

Benefits of eGovernment

The flexibility of eGovernment improves overall customer satisfaction and creates a two-way connection between government and its citizens/customers.

The benefits of eGovernment include:

- Improved customer service – instant, 24/7 accessibility of information and services
- Increased efficiency – eliminating paperwork and avoiding unnecessary data and information processing
- Reduced costs – less staff time needed as a result of simplified processes
- Increased transparency – data and information more accessible to the public
- Improved quality control – minimizes risks of key stroke errors in course of data entry

DEP eGovernment Projects – Accomplishments

External

External eGovernment projects are designed for and directly involve DEP's constituents. They provide direct electronic interaction with our agency addressing various business functions.

I. Air Emissions Inventory System – EMIT

- Provides the regulated community an on-line interface for reporting air pollution emissions from Title V sources, in accordance with the federal Clean Air Act.

II. Discharge Monitoring Reporting on-line – netDMR

- Provides the regulated community a self reporting tool to submit data to EPA which is required to meet NPDES (National Pollutant Discharge Elimination System) permit reporting requirements under the federal Clean Water Act.

III. CT Environmental Conditions Online – CT ECO

- Provides municipal officials, businesses and the public a variety of GIS tools and data for viewing and sharing statewide natural resource and environmental information.

IV. Camp Ground Reservation System – Reserve America

- Provides an on-line system to reserve campsites at state park and forest campgrounds.

V. Online Sportsmen Licensing

- Provides a public web site for purchasing Connecticut fishing, hunting, and trapping licenses, as well as all required deer, turkey, pheasant and migratory bird permits, stamps and tags.

VI. Emergency Spills Response & Underground Storage Tank – ESRUST

- Release 2 will provide on-line access for the regulated community for registration and renewal of Underground Storage Tanks (USTs).

VII. DEP Web Site at www.ct.gov/dep provides:

- Forms
- Electronic Documents
- Access to various environmental databases
- General postings of agency-specific information

Internal

Internal eGovernment projects enable DEP staff to be more responsive to the public, the business community, and other government entities.

I. Site Information Management System – SIMS

- Provides staff a single view of integrated data, electronic documents and geographic information related to Air, Water, and Waste for regulated facilities.

II. Emergency Spills Response & Underground Storage Tank – ESRUST

- UST Registration: Gives DEP staff the ability to enter and track new registrations or renewal of existing registrations of USTs.
- UST Inspections: DEP's enforcement staff collects field data on laptops and can also access, create and instantly distribute compliance documents, including Notice of Violations (NOVs). This system then synchronizes information via Air Card to DEP's main UST Registration Database

APPENDIX F

Administrative Changes to Floodplain Certification for Brownfield Redevelopment

Connecticut's industrial heritage has provided the state with a rich history, but also a legacy of functionally obsolete mills throughout the state. Reuse of these mills, which are often brownfields, is critical to our economic and community development efforts. Conversion of these mills from their original manufacturing uses to residential or mixed uses is, in many cases, the only viable means to bring these properties back into productive use. Because many of the mills relied on rivers and streams to power these historic structures, state investment into these sites often required floodplain management approval or time intensive exemptions to be reviewed by the Department of Environmental Protection (DEP).

To streamline the process, the Department of Economic and Community Development (DECD) and DEP have come to an agreement that effectively removes the need for DECD to apply for an exemption under DEP's floodplain management statutes, which brings a greater degree of certainty and predictability to the process.

Former mill buildings that are renovated to provide a residential component will be considered a non-intensive use of the floodplain when the following criteria are satisfied:

- The mill site is considered a brownfield under section C.G.S. Section 32-9cc(g).
- Any residential living space or critical activities are elevated above the 500 year flood elevation consistent with the requirements of the flood management act.
- Appropriate floodproofing as required under National Flood Insurance Program (NFIP) is undertaken.
- Above grade activities are confined to existing mill buildings or within the footprint of previous mill structures.
- All other requirements of the NFIP and the flood management act and its associated regulations are adhered to.

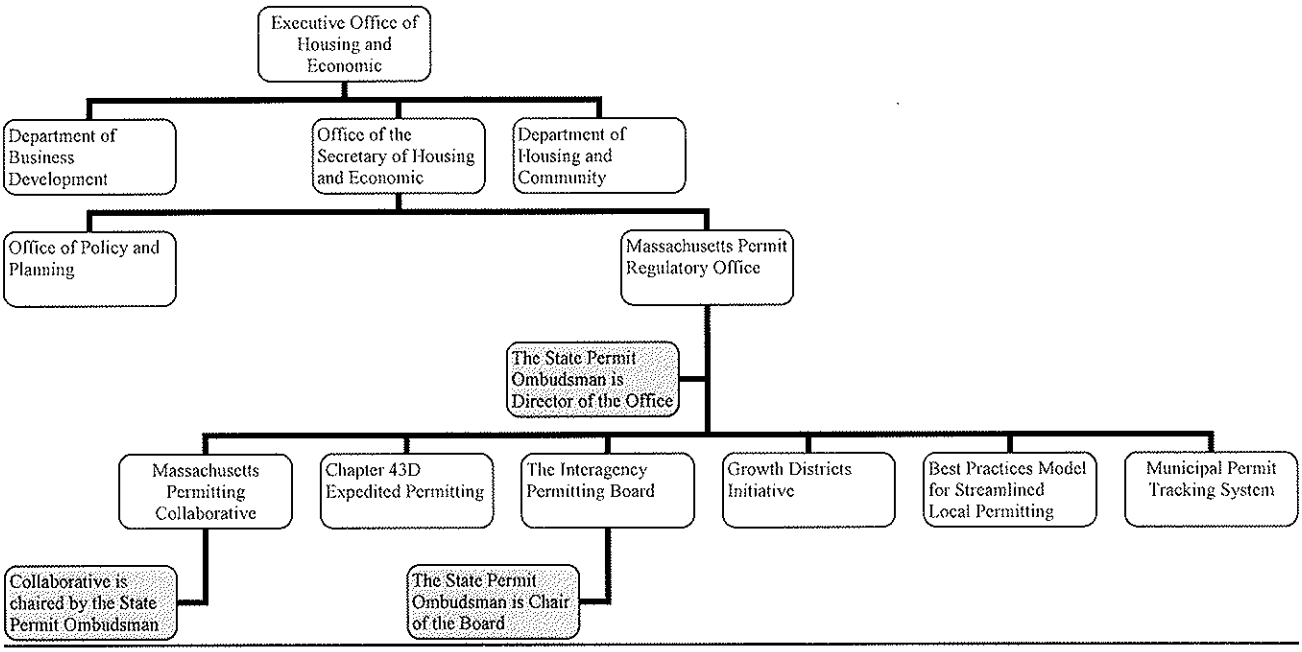
In what is another example of the strong interagency collaboration between DECD and DEP, the agencies agreed to a series of new reforms that will expand the activities allowed under the DECD's Flood Management General Permit. This will make the process of mill redevelopment more user-friendly and efficient. New activities, such as environmental remediation, dredging and structural rehabilitation of historic and residential buildings will no longer be subject to the formal DEP floodplain certification process.

APPENDIX G

DECD comparison of other States Permitting Assistance Programs

Massachusetts

Below is an organizational chart and brief description of the Massachusetts Permit Regulatory Office and associated programs assembled by the DECD Office of Responsible Development for consideration by the Permitting Task Force.



Massachusetts Permit Regulatory Office was established in 2006 to work with new and existing businesses to foster job creation by assisting with permitting, licensing, and regulatory processes.

Massachusetts Permitting Collaborative brings together nine state agencies to advise proponents of new development projects how to navigate the permitting and regulatory process.

Chapter 43D Expedited Permitting communities target economic development by qualifying parcel as a priority development site, and becoming eligible for technical assistance grants.

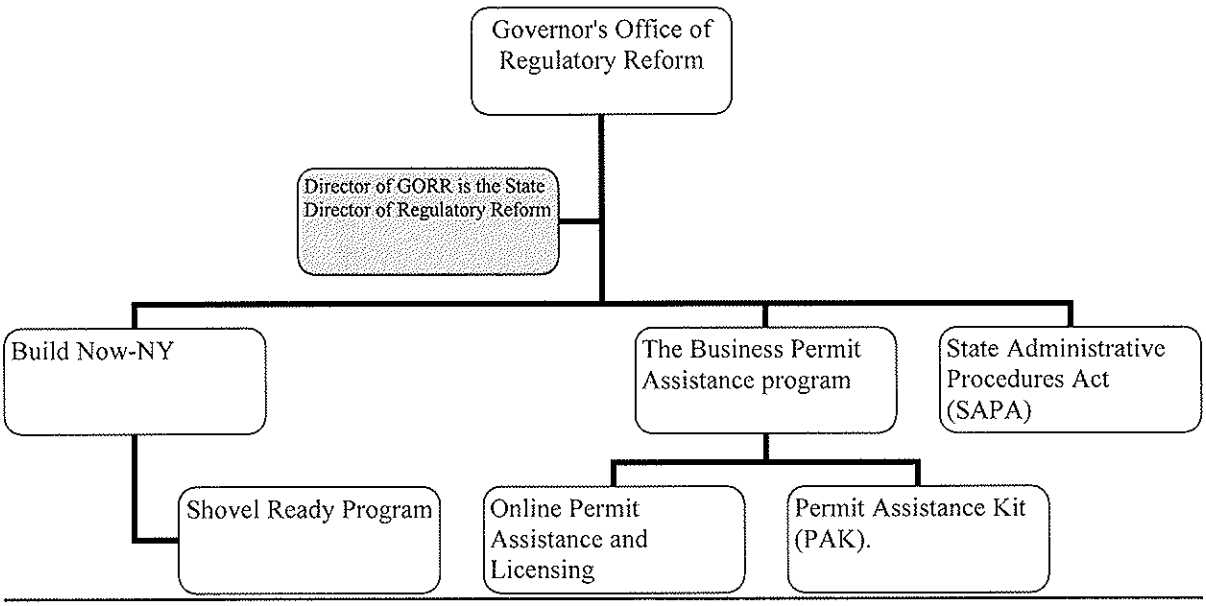
Growth Districts Initiative Provides grants to municipalities for qualifying projects to be used for infrastructure improvements, remediation or capital investment.

Best Practices Model for Streamlined Local Permitting consists of 26 Best Practices.

Municipal Permit Tracking System is a free Microsoft Access database program for municipalities to track local land use permits and generate reports, forms and permits.

New York State

Below is an organizational chart and brief description of New York State's Governor's Office of Regulatory Reform and associated programs assembled by the DECD Office of Responsible Development for consideration by the Permitting Task Force.



The Governor's Office of Regulatory Reform (GORR) is an office designed to improve the State's regulatory process.

Build Now-NY is a competitive grant program for local communities to for professional services related to engineering studies, environmental assessments, and legal support.

Shovel Ready Certification is a component of the Build Now-NY program. Sites which received funding through the Build Now-NY program are considered Shovel Ready.

The Business Permit Assistance program is a resource where prospective business owners can find out what they need to do to comply with New York State's permit and licensing requirements

Permit Assistance Kit (PAK) customized packet (checklist of applicable requirements, supplemental materials, application forms, instruction booklets, contacts) for business activities.

Online Permit Assistance and Licensing (OPAL) is an interactive website that guides individuals and businesses through the processes and requirements of starting or expanding a business in New York.

OHIO

Permit Assistance at Ohio EPA - Ohio EPA has developed a Web page to help organize and identify information that can help businesses navigate through the environmental permitting process.

Ohio EPA's Regulatory Ombudsman - The Governor's Executive Order required the creation of a regulatory ombudsman position in the Agency. The ombudsman acts as a problem-solving liaison between the Agency and those affected by its rules and processes.

Online Resources

- **Ohio EPA's Permit Wizard** - this online tool can help you identify the basic Ohio EPA permits, licenses and registrations you may need. Answer a series of questions and get a customized summary and list of resources and contacts to help you with your permitting needs.
- **Publications catalog** - Many of Ohio EPA's publications, including helpful tips for business start-up, are listed in this searchable database.
- **The Answer Place** - Ohio EPA's Frequently Asked Questions (FAQ) site provides customers quick, easy access to answers to their questions. The development and maintenance of this site is one of the ways they are working to improve communication with their customers and expand their compliance assistance efforts.
- **eBusiness Center** - If you are subject to Ohio's environmental rules and regulations, doing business with Ohio EPA is a fact of life. With the introduction of Ohio EPA's eBusiness Center, your life just got a little easier. Ohio EPA's eBusiness Center is a new, secure portal for online business services. The eBusiness Center is the entry point for the regulated community and consultants to electronically complete and file reports and permit applications. For more information, see the eBusiness Center fact sheet or review frequently asked questions through the Answer Place.

Virginia

Virginia Department of Environmental Quality (DEQ)
Improving Permitting and Compliance Processes

1. In 2005, DEQ undertook a review of the agency's permit programs to identify areas for improving the long-term effectiveness and efficiency of its programs. Based on that review, a report was issued in August 2009 on the changes which were made to improve this process. Electronic submission of information was identified as an area in which the exchange of information between the business community and DEQ could be streamlined and improved.
    a. Virginia has developed a system, known as Enterprise Content Management (ECM), by which information can be stored electronically to improve how they do business. The initial software and vendor implementation costs were $1.3 million. The ECM is managed by DEQ's IT department.
    b. DEQ also has a comprehensive environmental database (CEDS) that they use to collect permitting, monitoring, inspection and other data. The electronic discharge monitoring system allows permitted facilities to transmit their monthly discharge data electronically to DEQ's CEDS system. The on-line solid waste system is also a data collection system.
    c. DEQ is currently performing an on-line needs assessment which will indentify the required data strategy for electronic application submittals.
2. Some of the benefits derived from the implementation of the ECM include:
    a. Increase the efficiency of staff by significantly reducing the time necessary to copy, reproduce, and locate paper documents.
    b. Decrease the time required for permit generation and increase the number of inspections performed annually.
    c. Utilize workflow to enable permit applications to be tracked by the system and help users and managers better prioritize efforts.
    d. Increase the efficiency of staff by allowing the utilization of forms and functionality that will allow data fields to be scanned into its central databases reducing data entry by staff.
3. The agency has taken many steps toward implementing changes to make the permitting process easier to navigate.
    a. DEQ Permit Expert - One of the things that have been developed is a web based program that assists a business with finding which permits may be necessary for the activity they wish to conduct.
    b. Permit Tracking – An on-line tool that is updated monthly on the status of air, water and waste permit applications the agency has received. It includes a description of the proposed permit activity, information about the applicant and where the application stands in the permitting process.
    c. Time frames - Reasonable time frames have been established as goals for processing environmental permit applications.
        i. There are no sanctions given for not meeting these permits within that timeframe.
        ii. DEQ provides letter of delay to applicant within the process where the permittee is given notice and reasoning for the delay.

APPENDIX H

General Assembly ***Raised Bill No. 121***
February Session, 2010

AN ACT CONCERNING THE EXTENSION OF GENERAL PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2010*) The Commissioner of Environmental Protection may continue in effect any general permit issued by the commissioner pursuant to the provisions of title 22a of the general statutes, beyond the expiration date for such permit, provided the commissioner publishes notice of a tentative determination to renew such general permit in accordance with any applicable provision of said title 22a not less than one hundred eighty days prior to the expiration date of such general permit. Any such general permit continued in effect beyond its expiration date shall remain in effect until the commissioner makes a final decision on the renewal of such general permit, in accordance with the provisions of said title 22a. The commissioner may require the remittance of a registration fee in an amount not to exceed the existing registration fee for such general permit whenever a general permit is continued in effect beyond its expiration date. Nothing in this section shall affect the obligation of any person to register for a general permit pursuant to the provisions of said title 22a in a timely fashion or to comply with any general permit issued by the commissioner pursuant to the provisions of said title 22a.

This act shall take effect as follows and shall amend the following Sections:

Section 1	*October 1, 2010*	New section

Statement of Purpose:
To avoid any gaps in coverage under a general permit issued by the Commissioner of Environmental Protection.

APPENDIX I

PRETREATMENT PROGRAM IMPROVEMENTS

CT DEP is authorized by US EPA to implement the federal Clean Water Act's National Pretreatment Program. There are approximately 300 individual permits authorizing industrial sewer discharges under this program. In addition, there are hundreds of other commercial and industrial sewer discharges covered under one or more of several categories of general permits issued by the CT DEP.

Recommendation

Develop a general permit to cover discharges to the sanitary sewer from the category of metal finishing and electroplating activities. This will allow up to 75 permitted metal finishing and electroplating discharges, currently operating under an individual permit, to be covered by registration under a single general permit.

Note: The general permit to be developed will have to comply with federal rules on permitting combined waste streams with a general permit. Since current individual permits may cover multiple activities and combined waste streams, DEP will need to evaluate the best methodology for providing a simple, consolidated general permit or permits.

Timeline to NTD on Pretreatment GPs

April 1, 2010 to September 30, 2010: Development of draft general permit and associated registration forms and instructions.

October 15, 2010: Prepare and publish NTD for 30-day public comment.

- These timeframes are based on the current procedures and administrative requirements set forth under CGS Section 22a-430b.

Resource Needs and Impacts

Resources needed to meet this objective within the projected timeframes will be diverted from other water permitting and enforcement program areas and priorities and other agency program areas. This will result in the delayed or reduced ability:

- to meet improved NPDES permit application review, processing, and enforcement response timeframes set under LEAN;
- to respond to complaints, perform inspections and investigations in accordance with EPA commitments

Once developed, this new general permit and the consolidated general permit will set common performance standards and reduce time for applicants to obtain a permit (in this case registration under a general permit) to approximately 4-6 weeks. Issuance of this general permit will help reduce existing backlogs and provide for quicker review times on other individual permit applications.

APPENDIX J

Survey the interest of municipal Potable Water Treatment Works (POTWs) in receiving delegation of the DEP's water pretreatment permitting program with the fees associated with the program going to the municipality. Contrast the efficiencies of doing so with the alternative of DEP adopting a state general permit to cover these discharges.

Discussion: The Task Force discussed options for streamlining the pretreatment component of DEP's water discharge permitting program. Pretreatment permits are required for certain types of discharges to sanitary sewers that ultimately end up at local or regional Potable Water Treatment Works (POTWs). The DEP indicated that it currently issues and renews approximately 300 such permits

The Task Force assessed the experience of a Connecticut consulting company that recently received a pretreatment permit for a client in Indiana in less than 2 months. It found that in Indiana, pretreatment permitting is done by the POTWs rather that the state regulatory agency and that this contributed to expeditious processing of pretreatment permit applications. POTWs can often be more familiar with the industrial operations and the associated discharges in their communities than state agencies, which can help speed the permitting process.

In Connecticut, the DEP has the authority to similarly delegate the pretreatment permitting program to the local POTWs. It is the department's impression that in these difficult economic times, municipalities would be resistant to taking on more responsibilities. However, the Task Force felt this perception should be verified recognizing that perhaps some municipalities might be interested in assuming the responsibilities if they received the benefit of the fees associated with the program.

Another option offered by the DEP was to develop a general permit to cover discharges to the sanitary sewer from metal finishing and electroplating activities. It estimated that once the general permit was developed, it would allow up to 75 such discharges to be covered under the permit.

APPENDIX K

This proposal would eliminate a duplicative opportunity for a hearing regarding wastewater discharge permits issued by the Commissioner of Environmental Protection.

Reason for Proposal: It has been pointed out to the Task Force that currently the law provides for two separate and distinct opportunities for a hearing when the Commissioner is issuing and renewing wastewater discharge permits. These opportunities are redundant and can create uncertainty and a lack of finality in the permitting process. The Task Force recommends the elimination of one of these hearing opportunities. Suggested statutory language is shown below.

Subsections (b) and (c) of section 22a-430 of the general statutes are repealed and the following is substituted in lieu thereof (Effective upon passage):

(b) The commissioner, at least thirty days before approving or denying a permit application for a discharge, shall publish once in a newspaper having a substantial circulation in the affected area notice of (1) the name of the applicant; (2) the location, volume, frequency and nature of the discharge; (3) the tentative decision on the application, and (4) additional information the commissioner deems necessary to comply with the federal Clean Water Act (33 USC 1251 et seq.). There shall be a comment period following the public notice during which period interested persons and municipalities may submit written comments. After the comment period, the commissioner shall make a final determination either that (A) such discharge would not cause pollution of any of the waters of the state, in which case he shall issue a permit for such discharge, or (B) after giving due regard to any proposed system to treat the discharge, that such discharge would cause pollution of any of the waters of the state, in which case he shall deny the application and notify the applicant of such denial and the reasons therefore, or (C) the proposed system to treat such discharge will protect the waters of the state from pollution, in which case he shall, except as provided pursuant to subsection (j) of this section, require the applicant to submit plans and specifications and such other information as he may require and shall impose such additional conditions as may be required to protect such water, and if the commissioner finds that the proposed system to treat the discharge, as described by the plans and specifications or such other information as may be required by the commissioner pursuant to subsection (j) of this section, will protect the waters of the state from pollution, he shall notify the applicant of his approval and, when such applicant has installed such system, in full compliance with the approval thereof, the commissioner shall issue a permit for such discharge, or (D) the proposed system to treat such discharge, as described by the plans and specifications, will not protect the waters of the state, in which case he shall promptly notify the applicant that its application is denied and the reasons therefore. No permit shall be issued for an alternative on-site sewage treatment system, as defined in the Public Health Code, in a drinking water supply watershed unless the commissioner determines that (i) such system is the only feasible solution to an existing pollution problem and that the proposed system capacity does not exceed the capacity of the failed on-site system, or (ii) such system is for the expansion of an existing municipal or public school project or for new construction of a municipal or public school project on an existing municipal or public school site, in a municipality in which a majority of the land is located within a drinking water supply watershed. The commissioner shall, by regulations adopted in accordance with the provisions of chapter 54, establish procedures, criteria and standards as appropriate for determining if (I) a discharge would cause pollution to

the waters of the state, and (II) a treatment system is adequate to protect the waters of the state from pollution. Such procedures, criteria and standards may include schedules of activities, prohibitions of practices, operating and maintenance procedures, management practices and other measures to prevent or reduce pollution of the waters of the state, provided the commissioner in adopting such procedures, criteria and standards shall consider best management practices. The regulations shall specify the circumstances under which procedures, criteria and standards for activities other than treatment will be required. For the purposes of this section, "best management practices" means those practices which reduce the discharge of waste into the waters of the state and which have been determined by the commissioner to be acceptable based on, but not limited to, technical, economic and institutional feasibility. [Any applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application has not been given a public hearing shall have the right to a hearing and an appeal there from in the same manner as provided in sections 22a-436 and 22a-437. Any applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application has been given a public hearing shall have the right to appeal as provided in section 22a-437.] The commissioner may, by regulation, exempt certain categories, types or sizes of discharge from the requirement for notice prior to approving or denying the application if such category, type or size of discharge is not likely to cause substantial pollution. The commissioner may hold a public hearing prior to approving or denying any application if in his discretion the public interest will be best served thereby, and he shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of such hearing shall be published at least thirty days before the hearing in a newspaper having a substantial circulation in the area affected.

(c) The permits issued pursuant to this section shall be for a period not to exceed five years, except that any such permit shall be subject to the provisions of section 22a-431. Such permits: (1) Shall specify the manner, nature and volume of discharge; (2) shall require proper operation and maintenance of any pollution abatement facility required by such permit; (3) may be renewable for periods not to exceed five years each in accordance with procedures and requirements established by the commissioner; and (4) shall be subject to such other requirements and restrictions as the commissioner deems necessary to comply fully with the purposes of this chapter, the federal Water Pollution Control Act and the federal Safe Drinking Water Act. An application for a renewal of a permit which expires after January 1, 1985, shall be filed with the commissioner at least one hundred eighty days before the expiration of such permit. The commissioner, at least thirty days before approving or denying an application for renewal of a permit, shall publish once in a newspaper having substantial circulation in the area affected, notice of (A) the name of the applicant; (B) the location, volume, frequency and nature of the discharge; (C) the tentative decision on the application; and (D) such additional information the commissioner deems necessary to comply with the federal Clean Water Act (33 USC 1251 et seq.). There shall be a comment period following the public notice during which period interested persons and municipalities may submit written comments. After the comment period, the commissioner shall make a final determination that (i) continuance of the existing discharge would not cause pollution of the waters of the state, in which case he shall renew the permit for such discharge, (ii) continuance of the existing system to treat the discharge would protect the waters of the state from pollution, in which case he shall renew a permit for such discharge, (iii) the continuance of the existing system to treat the discharge, even with

modifications, would not protect the waters of the state from pollution, in which case he shall promptly notify the applicant that its application is denied and the reasons therefore, or (iv) modification of the existing system or installation of a new system would protect the waters of the state from pollution, in which case he shall renew the permit for such discharge. Such renewed permit may include a schedule for the completion of the modification or installation to allow additional time for compliance with the final effluent limitations in the renewed permit provided (I) continuance of the activity producing the discharge is in the public interest; (II) the interim effluent limitations in the renewed permit are no less stringent than the effluent limitations in the previous permit; and (III) the schedule would not be inconsistent with the federal Water Pollution Control Act. No permit shall be renewed unless the commissioner determines that the treatment system adequately protects the waters of the state from pollution. [Any applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application for a renewal has not been given a public hearing shall have the right to a hearing and an appeal there from in the same manner as provided in sections 22a-436 and 22a-437. Any applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application for a renewal has been given a public hearing shall have the right to appeal as provided in section 22a-437.] Any category, type or size of discharge that is exempt from the requirement of notice pursuant to subsection (b) of this section for the approval or denial of a permit shall be exempt from notice for approval or denial of a renewal of such permit. The commissioner may hold a public hearing prior to approving or denying an application for a renewal if in his discretion the public interest will be best served thereby, and he shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of such hearing shall be published at least thirty days before the hearing in a newspaper having a substantial circulation in the area affected.

Section 22a-436 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

Each order to abate pollution issued under section 22a-428 or 22a-431 [or decision under subsection (b) or (c) of section 22a-430] shall be sent by certified mail, return receipt requested, to the subject of such order [or decision] and shall be deemed issued upon deposit in the mail. Any person who or municipality which is aggrieved by any such order [or decision to deny an application or, in the case of a permit issued pursuant to the federal Water Pollution Control Act, any decision without prior hearing under subsection (b) or (c) of section 22a-430] may, within thirty days from the date such order [or decision] is sent, request a hearing before the commissioner. The commissioner shall not grant any request for a hearing at any time thereafter. After such hearing, the commissioner shall consider the facts presented to him by the person or municipality, including, but not limited to, technological feasibility, shall consider the rebuttal or other evidence presented to or by him, and shall then revise and resubmit the order to the person or municipality, or inform the person or municipality that the previous order has been affirmed and remains in effect. The request for a hearing as provided for in this section [or a decision under subsection (b) or (c) of section 22a-430 made after a public hearing] shall be a condition precedent to the taking of an appeal by the person or municipality under the provisions of section 22a-437. The commissioner may, after the hearing provided for in this section, or at any time after the issuance of his order, modify such order by agreement or extend the time schedule therefore if he deems such modification or extension advisable or necessary, and any such

modification or extension shall be deemed to be a revision of an existing order and shall not constitute a new order. There shall be no hearing subsequent to or any appeal from any such modification or extension.

APPENDIX L

This proposal would allow a petition signed by at least fifty persons requesting a hearing regarding the approval or denial of a permit application to be withdrawn.

Reason for Proposal: The Task Force understands that a number of laws require that the Commissioner of Environmental Protection hold a formal adjudicatory hearing when the Commissioner receives a petition signed by at least twenty-five persons. There is not, however, a mechanism in place for a petition to be withdrawn once it has been filed. The Task Force recommends adoption of legislation that, when appropriate, would permit the withdrawal of a petition for a hearing. Suggested statutory language shown below.

Text of Proposal:

Section 1. (NEW)

(a) Whenever a provision of the Connecticut General Statutes or regulations provides that the Commissioner of Environmental Protection shall hold a hearing prior to approving or denying an application upon receipt of a timely–filed petition signed by at least fifty persons, any such petition as provided for in this section shall designate a person authorized to withdraw such petition. Such authorized person may engage in discussions regarding an application and, if a resolution is reached, withdraw the petition.

(b) A petition shall be withdrawn by filing written notice with the commissioner and serving a copy of the withdrawal upon all parties and intervenors, if any, to the proceeding. The withdrawal of a petition shall result in the termination of the hearing process initiated by the petition; however, if the commissioner receives more than one petition that requires the holding of a hearing, a proceeding shall not terminate unless and until all such petitions are withdrawn.

(c) If the petition is withdrawn after notice of a public hearing has been published, the commissioner shall publish or cause to be published, at the applicant's expense, once in a newspaper having a substantial circulation in the affected area, notice of the termination of any hearing due to the withdrawal of a petition pursuant to this section.

(d) Notwithstanding the withdrawal of any petitions pursuant to this section, the commissioner may hold a public hearing, continue with a public hearing for which notice has been published, or complete a public hearing that has already commenced prior to approving or denying an application, if in his discretion the public interest will be best served thereby.

APPENDIX M

Reason for Proposal: The Task Force recommends that there be legislative change to limit the time frames for intervening by a party and an intervenor and to allow for the submission of a written record in lieu of the adjudicatory portion of the public hearing, when agreement has been reached with any intervenor and intervening party. With respect to time frames for intervention, the Task Force recommends language along the lines of the following: "Notwithstanding any statute or regulation to the contrary, any person may petition to intervene as an intervening party or an intervenor by written request filed with the commissioner no later than five (5) days prior to the commencement of the public hearing. The commissioner may waive the five (5) day requirement if, in his discretion, good cause for the delay in the filing of the petition has been shown by the petitioning party."

The Task Force further recommends that the Commissioner of DEP evaluate ways to expedite hearings and the process for concluding hearings when a hearing must be held, the staff of DEP and the applicant are in agreement regarding a proposed permit, including, but not limited to, the terms and conditions of any permit, and there are no other parties or intervenors participating in the hearing. This can be accomplished through the LEAN Kaizen event for DEP's Office of Adjudications.

The DEP's Office of Adjudications is required to conduct hearings on applications for various permits. There are certain measures that DEP's Office of Adjudications can now implement that will streamline the adjudicatory hearing process. Specifically, the Task Force recommends implementation of the following measures:

a) Increased use of settlement conferences;
b) Enforcement of required pre-hearing submittal of evidence; and
c) Requiring pre-hearing filing of written testimony.

The Task Force acknowledges the numerous permitting benefits that have accrued from the DEP's use of LEAN Kaizen events. DEP has offered to have its Office of Adjudications undergo a LEAN Kaizen event focused on the adjudications process. The Task Force recommends that DEP engage in a Lean Kaizen event for the Office of Adjudications with a view towards streamlining the permit process.

APPENDIX N

All,

Thank you for your contributions to the discussions at the Permitting Task Force meetings thus far. As Chair of the Governor's Task Force on Permitting, I feel that it is important that the general public and business in specific see how much attention has been paid to improving the processes within your respective agencies. As I indicated at the start of our deliberations, I am a data driven, analytical person and since we want to be sure to showcase some of your achievements in our report, I would like to have the following data points to consider as we draft our recommendations:

1. Please provide a list of the different permits that your agency oversees.
2. Which of these permits are applicable to business development?
3. Please provide any data (published or internal) regarding the targeted timeframes for completion of the permits identified in #2 above.
4. Please provide any data (published or internal) regarding the actual timeframes for completion of the permits identified in #2 above.
5. How many kaizen or process improvement events have you conducted in your agency?
6 If any of the kaizen events addressed the permitting processes identified in #2 above, please provide data so we can showcase the positive results of process improvement.
7. How long would it take your agency to complete the kaizen process on the balance of the permits identified in #2 above if you focused your process improvement initiatives only on those permits, utilizing existing resources (human and capital)?
8. How long would it take your agency to complete the kaizen process on the balance of the permits identified in #2 above if you focused your process improvement initiatives only on those permits, utilizing additional resources (human and capital)? We can use this data to obtain funding for kaizens once we demonstrate the benefits to all stakeholders.

Using this data in our recommendations will serve many purposes. It will demonstrate the benefits of the process improvement initiatives your agencies' have undertaken thus far, help us benchmark current permitting timeframes and assist us in garnering the funding to initiative further process improvements to the benefit of all stakeholders.

Please provide the data to me by May 1, 2010 and feel free to call me with any questions at 860-349-3473 x 112.

Best regards,

Carol

Carol P. Wallace
President & CEO
Cooper-Atkins Corporation
33 Reeds Gap Road, P.O. Box 450
Middlefield, CT 06455-0450

APPENDIX O

METHODOLOGY

Once all appointments had been made, the Task Force first met on February 25, 2010 at which time a meeting schedule was adopted. Over the course of its weekly schedule of meetings, Task Force members made recommendations for improvement to the permitting process. These recommendations fall under the following categories:

1. Process Improvements and personnel allocation through LEAN Kaizen event for each permitting agency.
2. E-government and on-line permit application/tracking.
3. Responsible Growth Interagency Steering Council- Executive Order No. 15.
4. Creation of a State Permit Ombudsman within the DECD.

At the second Task Force meeting on March 4, 2010, it was agreed that the Task Force needed to split into two separate working groups to work on the charges of Executive Order No. 39. One working group (Statutory) would work on focus on statutory and legislative issues pertaining to permit processing efficiency while the other (Operational) would walk a model mixed-use development project through the permitting process to identify required permits, time periods and delays.

The resulting recommendations from both working groups would then be adopted by the entire Task Force and become part of the report required to be submitted to the Governor.

The Task Force met on February 25, 2010, March 4, 2010, March 11, 2010, March 18, 2010, March 25, 2010, and April 1, 2010.

The Statutory working group met on March 8, 2010 and developed the following recommendations which have been adopted by the entire Task Force and are also included in the recommendations of the Task Force:

1. DEP's Adjudications Unit should review its rules of practice to better use the existing provisions in establishing adjudication schedules, deadlines for discovery, pre-filed testimony, settlement conferences, mediation, etc.
2. DEP should review and implement the appropriate recommended statutory and regulatory changes derived from their LEAN workshops
3. The Connecticut Environmental Protection Act should be assessed to identify reasonable schedule and status parameters for interveners
4. Expedite permit renewal for qualifying projects

The Operational working group met on March 10, 2010 and developed the following recommendations which have been adopted by the entire Task Force and are also included in the recommendations of the Task Force:

1. The DEP and DOT should implement the following recommendations to increase state agency coordination of the permit application/review process
    a. Coordinate review/approval for DEP Flood Management and DOT hydraulic modifications (Inland Wetlands and Watercourses) permits.
    b. Consolidation of application/review for DEP Flood Management and Stream Channel Encroachment Lines (SCEL) Permit
2. Determine methods to assist smaller development projects that meet selection criteria through the permitting process.
3. The DOT should develop separate processes to handle major/minor encroachment permit applications.
4. Establish methods to assist companies from outside Connecticut navigate the permitting process through a single point of contact.