



# Permit Program Review Stakeholder Meeting

Office of Long Island Sound Programs  
June 17, 2010

# Why Are We Here?

- ▶ Follow-up to LEAN process improvements (implemented November 2008)
- ▶ Requirements of PA 10-158
- ▶ Status of Permitting Program
- ▶ Stakeholder Feedback



A scenic view of a beach with shallow water, sand, and greenery under a clear blue sky. The foreground is dominated by lush green vegetation. The middle ground shows a wide expanse of sand and shallow water with some rocks. In the background, there is a line of trees and buildings under a clear blue sky.

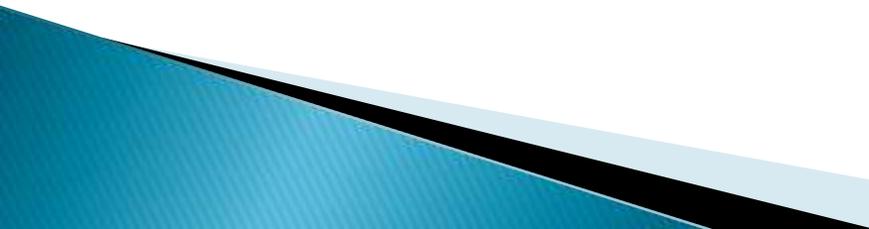
# Overview of Public Act 10-158

- ▶ Opportunities for OLISP regulatory programs

*“The ink from my signature on House Bill 5208 has hardly dried, but DEP has a game plan in place to take a good, hard look at how it reviews and makes decisions on permit applications.”*

*“Our goal is to meet tighter deadlines for action on projects that are important to our state and its economy – keeping and growing jobs while maintaining our environmental standards. I believe DEP’s review of its permitting processes and recommendations for improvements will help us meet this goal.”*

*– Governor M. Jodi Rell*



# Permit Process Review 2010

## Governor Rell's Task Force

(Executive Order 39)

- Chaired by CEO of CT company
  - Stakeholder input from CT business/industry
  - Looked at processing time frames
  - Recommended opportunities for streamlining
- 

# PA 10-158: AAC Expedited Permitting for Economic Development

Review permit timeframes and report by Sept 30, 2010

Expedited permitting process pilot for 200+ manufacturing facilities

Reduce timeframes to identify deficiencies in permit apps and issue tentative determinations

Identify process improvements, resources and program changes necessary

Adopt regs schedules for different types of permits. Applicant notified of deficiencies w/in 60 days and notice w/in 180 days of sufficiency

Annual report on failures to meet timeframes

Study CEPA and procedures for GPs with recommendations for revisions to CGS

DECD permit ombudsman and interagency MOU for process expediting

DEP consulting services program w/ no NOVs or civil penalties for minor violations

# Public Act 10-158: AAC THE PERMIT AND REGULATORY AUTHORITY OF DEP...

- ▶ Incorporates Task Force suggestion to conduct analysis of permit timeframes  
Identify what it will take to achieve:
  - 60 days for sufficiency review
  - 180 days for technical review

# Permit Time Frame Analysis

- ▶ Analyze processes for 25 permit programs to determine current time frames (OLISP has 3)
  - Identify process improvements, additional resources, staffing and programmatic changes necessary to improve upon time frames
  - Public informational meetings as part of analysis
  - Comprehensive report to Governor and General Assembly 9/30/2010



# DEPARTMENT OF ENVIRONMENTAL PROTECTION



ABOUT US PROGRAMS AND SERVICES PUBLICATIONS FORMS CONTACT US HOME

Search  Go

- DEP MAIN MENU**
- >> ENVIRONMENTAL PROTECTION BEGINS WITH YOU
  - >> OUTDOOR RECREATION
  - >> NATURAL RESOURCES
  - >> AIR, LAND, WATER
  - >> MATERIAL WASTE MANAGEMENT
  - >> PERMITS

"...conserving, protecting and improving the natural resources and environment of the state..."

**The 2010 Great Park Pursuit**  
Now through June 19<sup>th</sup>  
*No Child Left Inside*

[No Child Left Inside - The Great Park Pursuit](#)



[Permit Process Assessment](#)

[Permit and Environmental Compliance Assistance](#)

- >> [DEP Calendar of Events](#)
- >> [DEP Store](#)
- >> [Video Library](#)
- >> [Employment, Volunteer and College Internship Opportunities](#)

Greetings from Amey Marrella, Commissioner



CT Keyword:  GO

[REPORT AN ENVIRONMENTAL CONCERN OR PROBLEM](#)

- Updates & Advisories**
- [Air Quality Index](#)
  - [Black Bears](#)
  - [Forest Fire Danger](#)
  - [State Swimming Area](#)
  - [Water Quality Report](#)
  - [More](#)

- Featured Links**
- [Online Sportsmen Licensing System](#)  
(Purchase a hunting or fishing license)
  - [Adjudications & Environmental Hearings](#)
  - [Maps & Spatial Data](#)
  - [Pollution Prevention](#)
  - [Reduce/Reuse/Recycle](#)
  - [GreenCircle Award Program](#)
- Related Organizations**
- [CT Department of Agriculture](#)
  - [CT Department of Public](#)

1635 **3/5** 2010  
**CONNECTICUT'S Anniversary!**

Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

### Current Topics

# Track our progress at: [www.ct.gov/dep](http://www.ct.gov/dep)

E-ALERTS [Link to CT Flu Watch](#) [in Longhorned Beetle](#)

- [The Municipal Primer - Your Guide to Creating a](#)

**CTECO**  
Maps and Geospatial Data

The background of the slide is a photograph of a beach. In the foreground, the wet sand is a light brown color. Gentle waves with white foam are washing onto the shore from the left. The water is a muted, greyish-blue color. The sky above is a uniform, overcast grey. The text 'OLISP Regulatory Program Summary' is centered in the upper half of the image in a yellow, sans-serif font.

# OLISP Regulatory Program Summary

# Scope of OLISP Regulatory Program

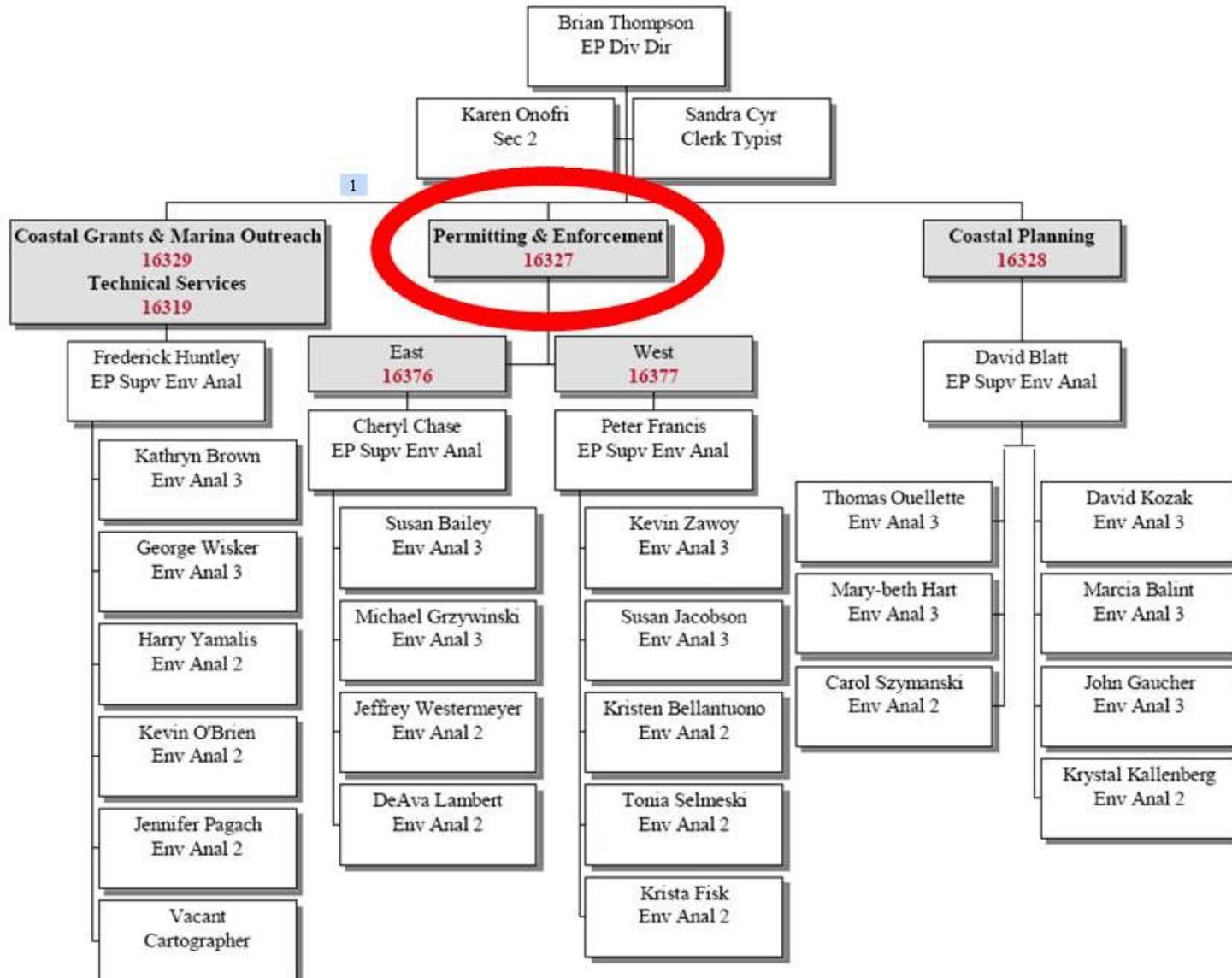
- ▶ 20 million people living within 50 miles
- ▶ 16,820 square miles of watershed
- ▶ 9,900 total permits issued
- ▶ 1,320 square miles of LIS surface area
- ▶ 110 linear miles of coastline
- ▶ 56 regulated towns
- ▶ 23 Harbor Management Commissions
- ▶ 18 municipal Shellfish Commissions

# Where we fit into DEP

Environmental Quality  
Bureau of Water Protection & Land Reuse  
Office of Long Island Sound Programs



Office of Long Island Sound Programs  
DEP43700-16700



# Permitting & Enforcement Staff Responsibilities

## PERMITTING

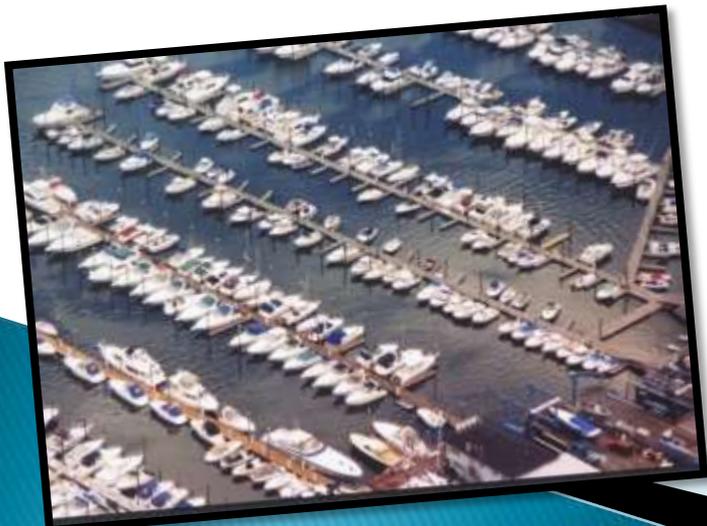
- ▶ Pre-app meetings
- ▶ Application review
- ▶ Site inspection
- ▶ Prepare summary report
- ▶ Permit document processing

## ENFORCEMENT

- ▶ Complaint investigation
- ▶ Site inspection
- ▶ Compliance review
- ▶ Prepare formal enforcement action
- ▶ Case negotiation/ resolution

# Types of Applications

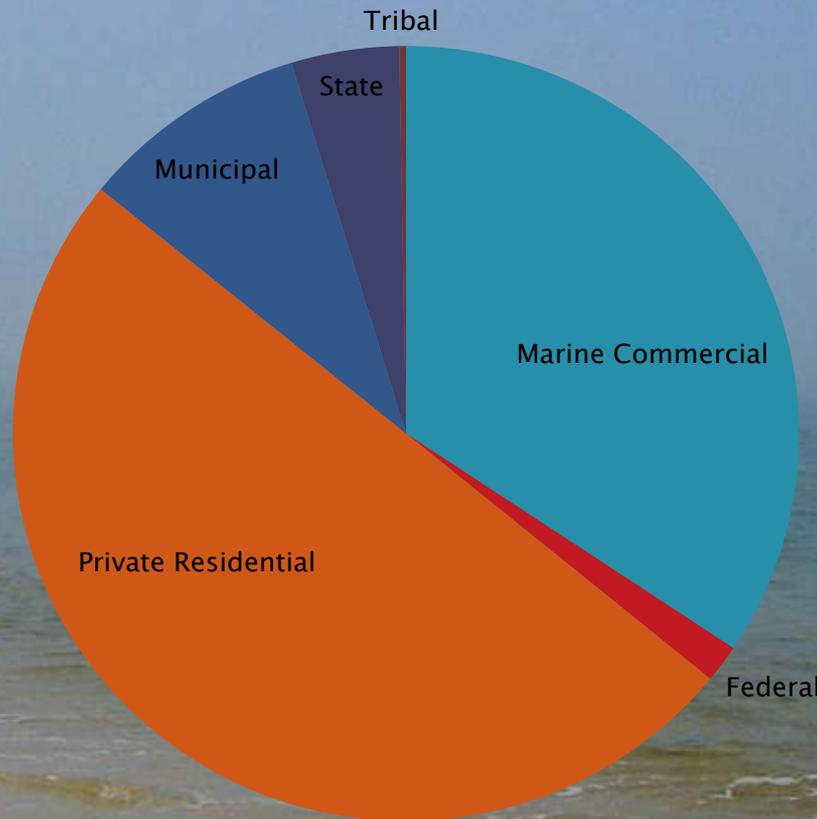
- ▶ Structures, Dredging & Fill
- ▶ Tidal Wetlands
- ▶ Certificate of Permission
- ▶ General Permit
- ▶ Water Quality Certification
- ▶ Federal Consistency



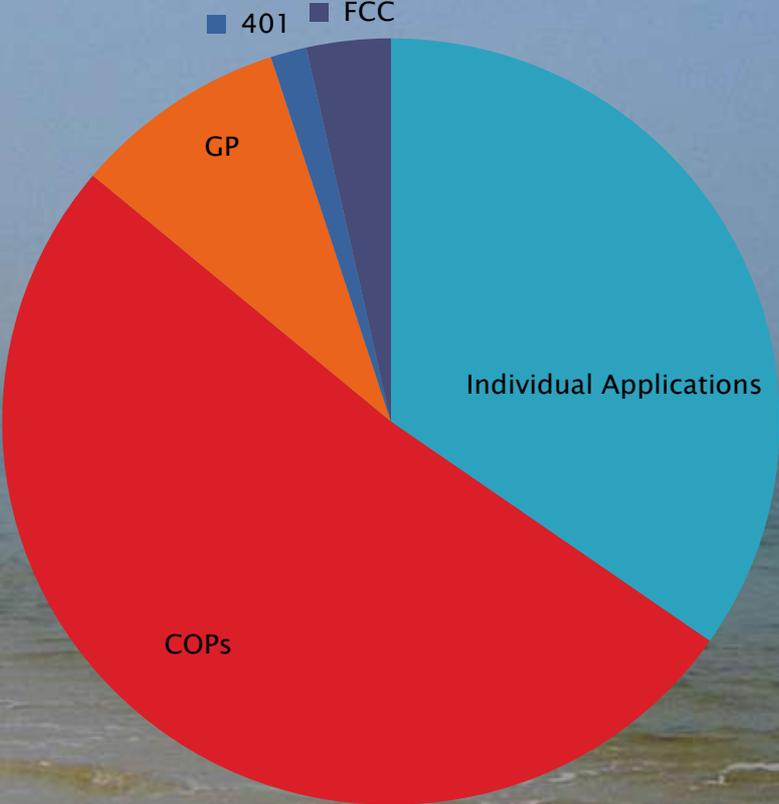
# Who are our “customers?”



# Applicant Type 2000-2010



# Applications by Type 2000-2010



# Structures, Dredging & Fill

- ▶ Authority under CGS 22a-361
  - ▶ Connecticut's coastal "individual permit"
  - ▶ For new structures, activities
  - ▶ Process includes sufficiency review, technical review, 30-day public comment period, hearing requirement for certain activities
  - ▶ 10-year average = 98 apps per year
- 

# Tidal Wetlands

- ▶ Authority under CGS 22a-32
  - ▶ Regulations under Tidal Wetlands Act
  - ▶ Hand-in-hand with SDF process
  - ▶ Process includes sufficiency review, technical review, 40-day public comment period and public hearing requirement
  - ▶ 10-year average = 27 apps per year
- 

# Certificate of Permission

- ▶ Authority under CGS 22a-363b
  - ▶ For maintenance of existing/authorized structures
  - ▶ Limited eligibility categories
  - ▶ Process includes sufficiency/eligibility review
  - ▶ No public notice or comment period
  - ▶ 45 / 90 day statutory review timeframe
  - ▶ 10-year average = 183 apps per year
- 

# General Permit

- ▶ Authority under CGS Section 22a-361(d)(1)
- ▶ Adopted through public process
- ▶ For minor activities with minimal environmental effects, individually or cumulatively
- ▶ OLISP currently has 15 GPs in place
  - 8 approval of registration
  - 3 acknowledgement of registration
  - 4 non-reporting
- ▶ 10-year average = 32 registrations per year

# Existing General Permits

Dolphin Cove Projects

4/40 Docks

Non-Harbor Mooring

Osprey platforms

Marina reconfiguration

Remediation activities

Culvert maintenance

Flood Hazard Mitigation

Pump-outs

Swim floats

Beach regrading

Harbor Mooring

Minor seawall repair

Navigational markers

Removal of derelict  
structures

# Water Quality Certification

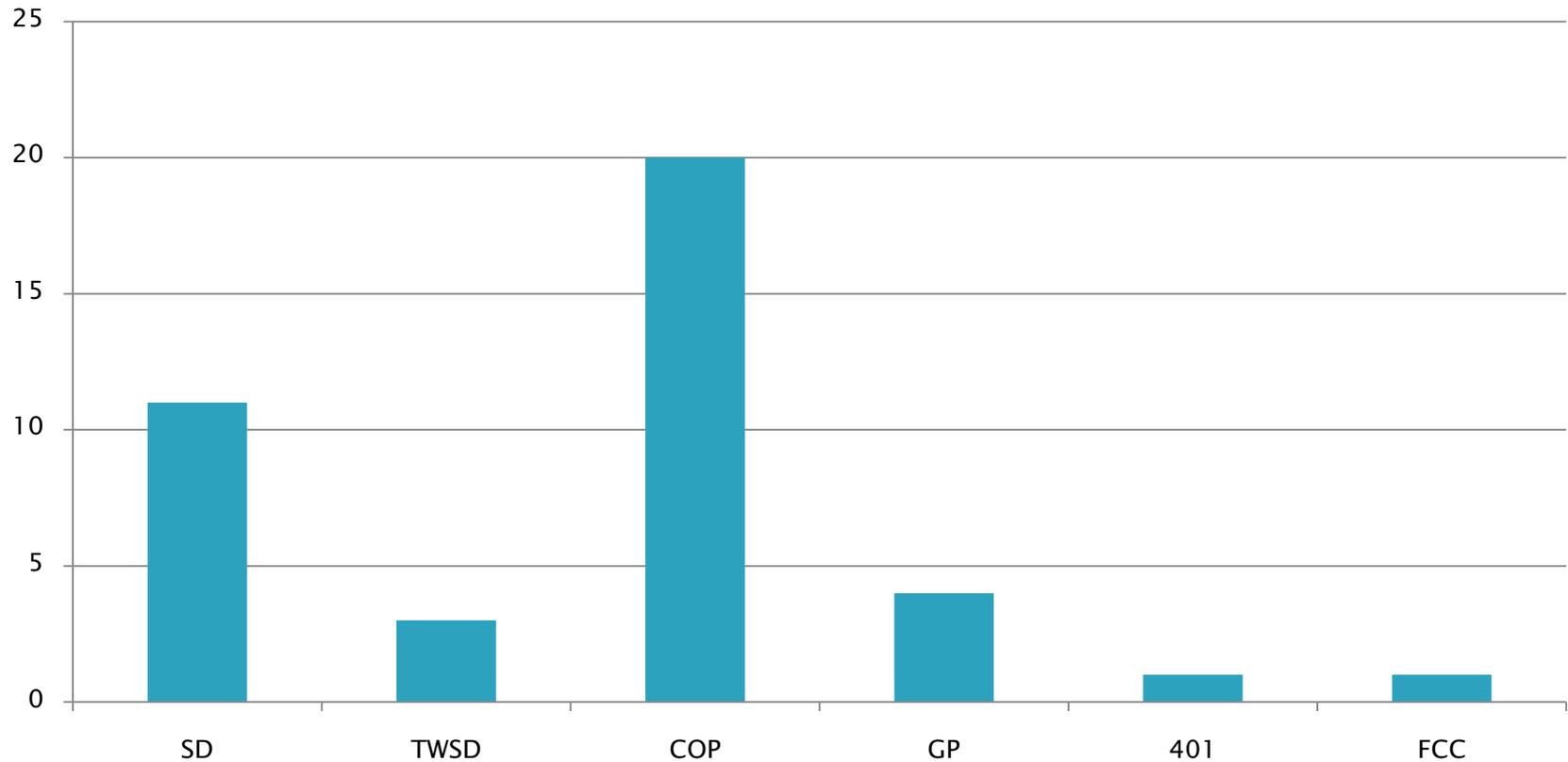
- ▶ Authority under Section 401 federal Clean Water Act
  - ▶ For discharges to state waters
  - ▶ Review to ensure compliance with Water Quality Standards
  - ▶ Process includes a 30-day public comment period
  - ▶ 10-year average = 6 apps per year
- 

# Federal Consistency Certification

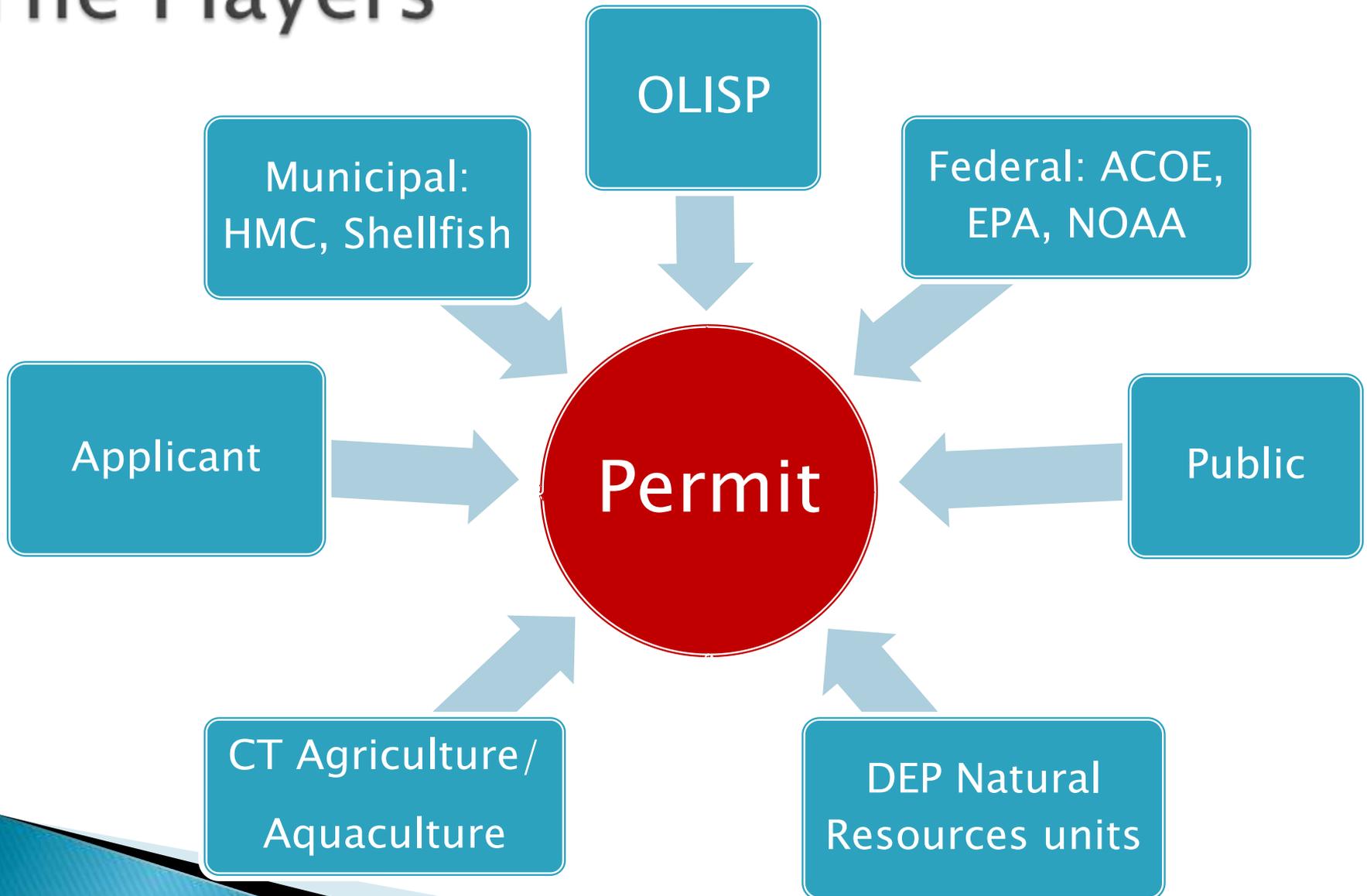
- ▶ Authority under 15 CFR 930
- ▶ For federal agency activities
- ▶ To ensure consistency with federally-approved Coastal Zone Management Plan
- ▶ Process includes public comment period
- ▶ Review timeframes
  - 75 days for direct federal agency action
  - 6 months for federal license
- ▶ 10-year average = 13 apps per year

# Permitting Workload:

No. of Applications Received per permit analyst  
(10-year average/9 Analysts)



# The Players



# Public Hearings

- » Administered by DEP Office of Adjudications to determine outcome of contested cases where such hearings are requested by the public or may be required by law

# CGS Sec. 22a-361 Hearings

When project would:

- ▶ Significantly impact any shellfish area
- ▶ Has interstate ramifications
- ▶ Involves any project that requires certificate by Siting Council or approval by FERC



# CGS Sec. 22a-32 Hearings

When project is sited within a tidal wetland, but may be waived, unless a petition requesting a hearing is submitted



# Trends in Public Hearings

- ▶ A significant increase in adjudicated public hearings has occurred in the last decade:
  - 1990 – 1999 permit application hearings = 6
  - 2000 – 2009 permit application hearings = 30

# Public Hearing Review Timeframes

- ▶ Average Processing Time (Pre-Lean) for all applications: 566 days
  - ▶ Average Processing Time (Pre-Lean) for applications that went to hearing: 1078 days
- 

# Trends in Legal Proceedings

- ▶ Significant increase in other legal matters has been occurring over the last several years. OLISP currently has 5 regulatory cases pending in State courts



# Enforcement Responsibilities



# Need for Enforcement

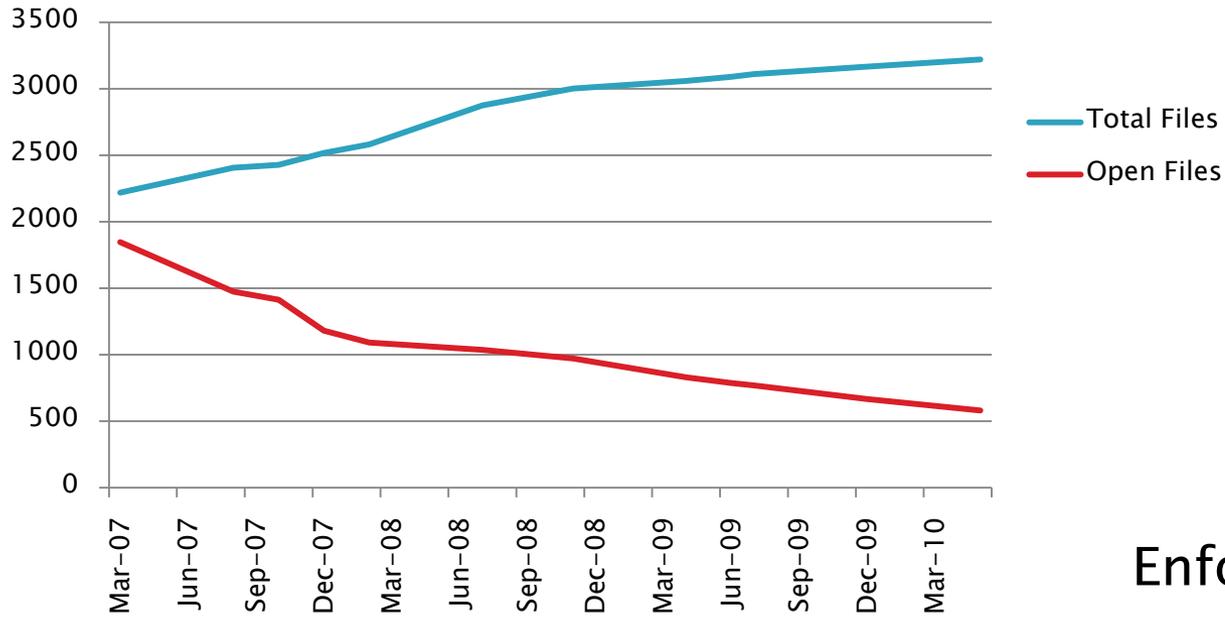
- ▶ Necessary to provide deterrent
  - ▶ Incentive to ensure proper following of regulatory processes/laws
  - ▶ Provides fair and equal treatment to all citizens
  - ▶ Important to ensure environmental protection standards are met
- 

# Enforcement Statistics

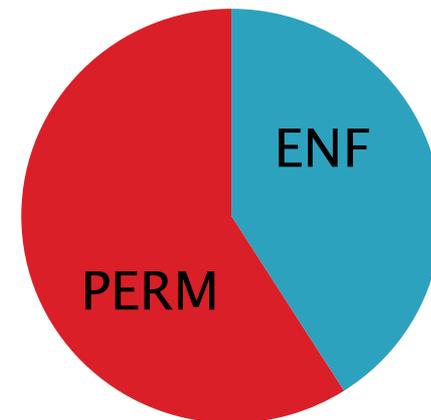
- ▶ Complaints received per year:
  - 2000 to 2006: 120
  - 2007 to 2009: 161
- ▶ Enforcement Actions by DEP:
  - 2000 to 2006: 42
  - 2007 to 2009: 113
- ▶ File Closures per year:
  - 2000 to 2006: 40
  - 2007 to 2009: 384

# Enforcement Activity

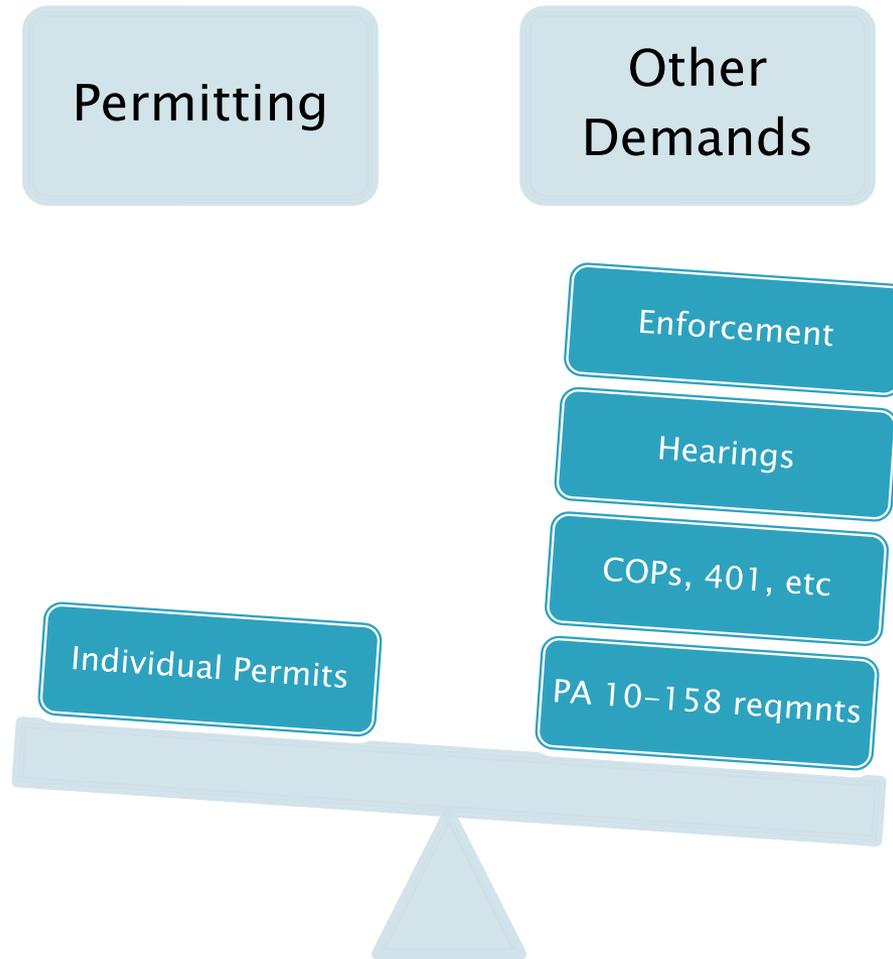
(# enforcement files over time)



## Enforcement Staff Time



# Balancing Act



# LEAN Project Summary

- » Structures, Dredging & Fill and Tidal Wetland permit application review process

# LEAN Team Charter: 2008

Waste in Structures, Dredging & Fill permit review process creates extended processing times and produces substantial backlog preventing staff from undertaking new initiatives in permitting, compliance assistance and enforcement.

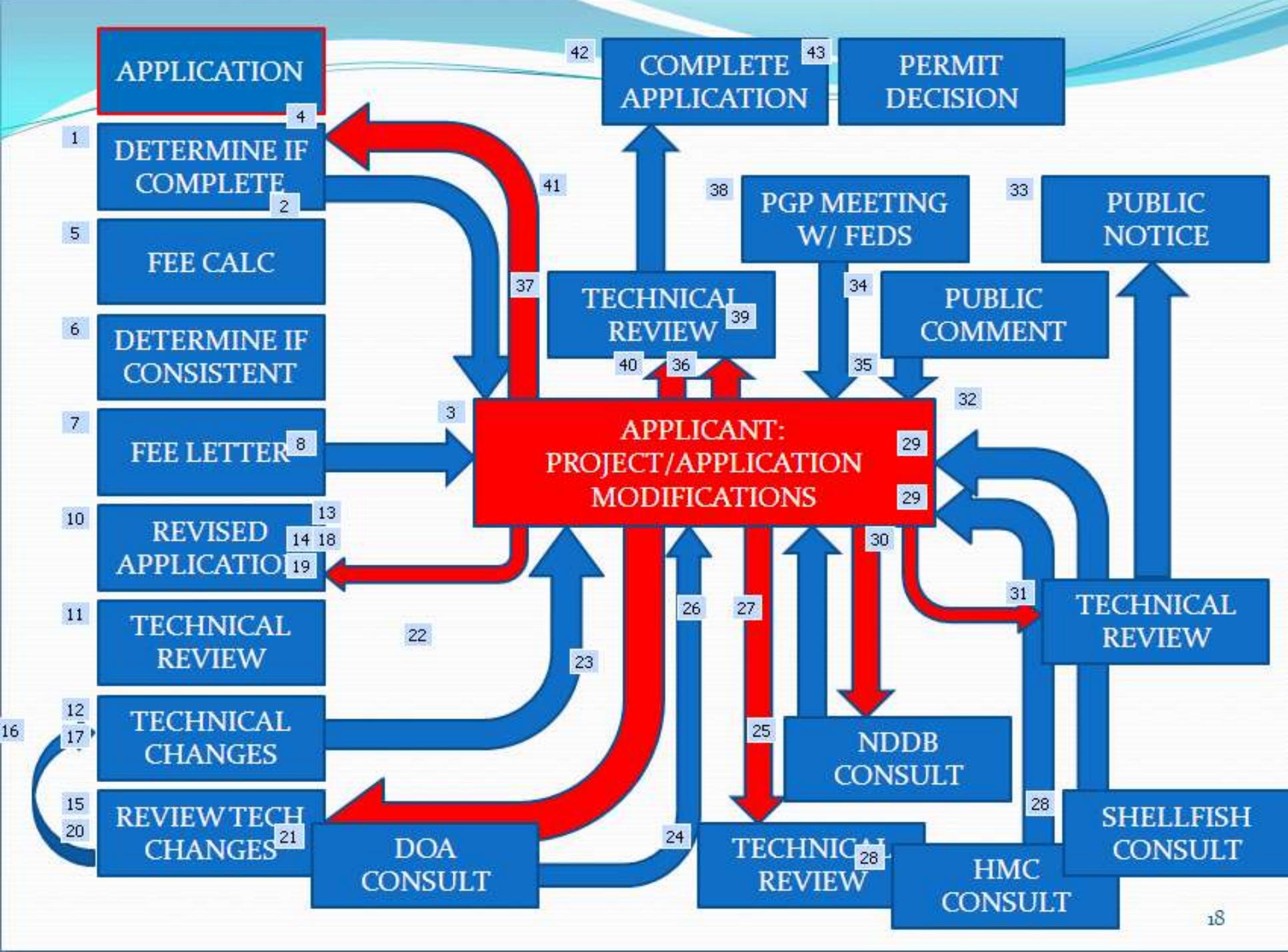


# Scope of LEAN Project

- ▶ Review SDF & TW permit application process
  - ▶ Reduce iterative application process
  - ▶ Streamline review
  - ▶ Improve customer service
  - ▶ Provide procedural transparency
  - ▶ Reduce backlog, reduce processing time
- 

- ▶ June, 2008, OLISP process selected for first Kaizen event
- ▶ 5-day intensive evaluation
- ▶ Review entire permit application review process





# Results of LEAN Project

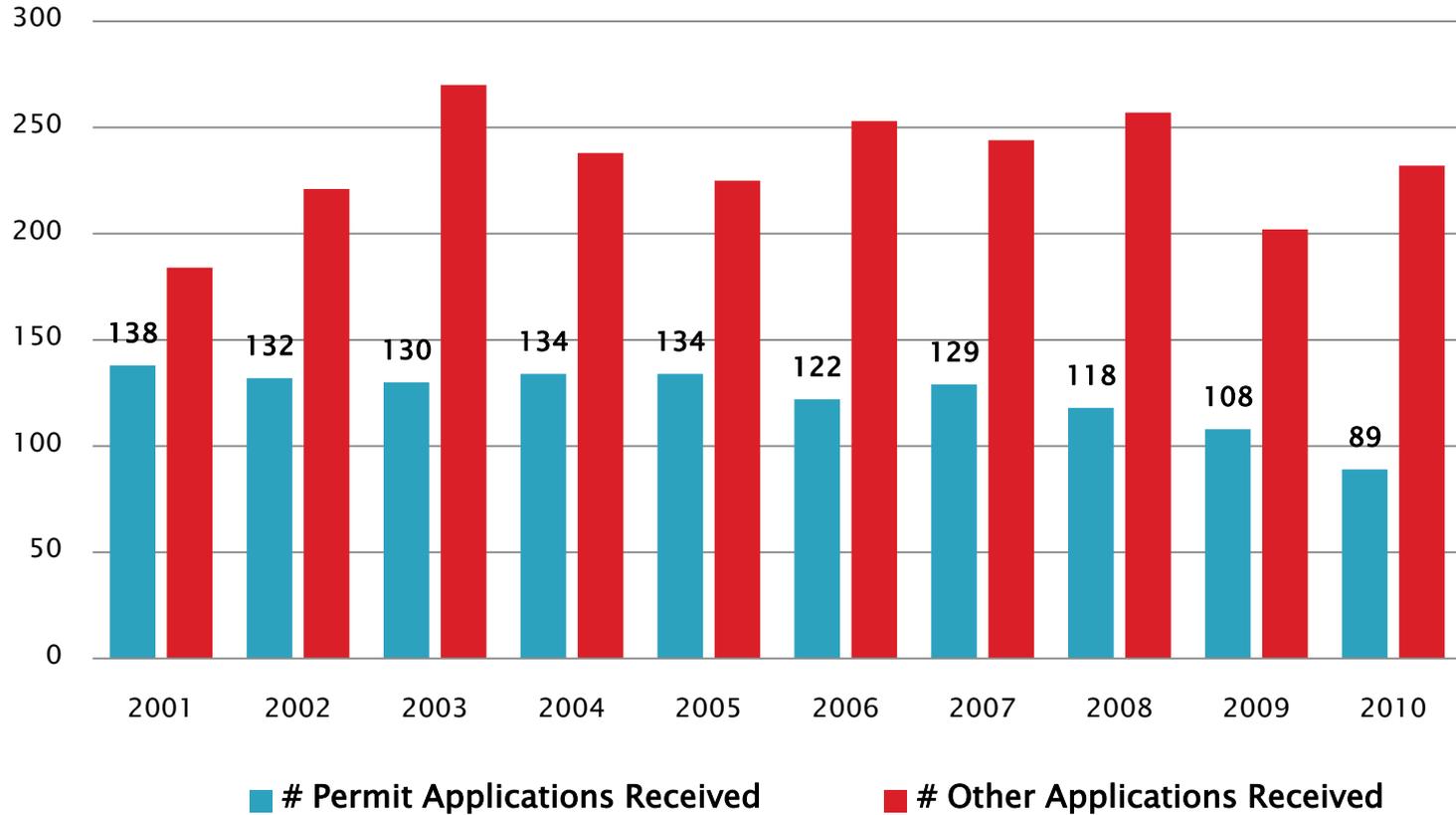
- ▶ Updated application form & instructions
  - ▶ Consultation DOA, HMC and Shellfish Commission shifted to pre-application stage
  - ▶ DEP will act upon application submitted
  - ▶ Continuous reduction in pre-Lean backlog
  - ▶ Valuable pre-application meetings/guidance by staff, but application still reviewed by DEP on its merits
- 

# Application Review Analysis

- »» A statistical analysis of the permit review process, before and after LEAN

# Applications Received

(Number per Time Period)



# SDF/TW Application Workload

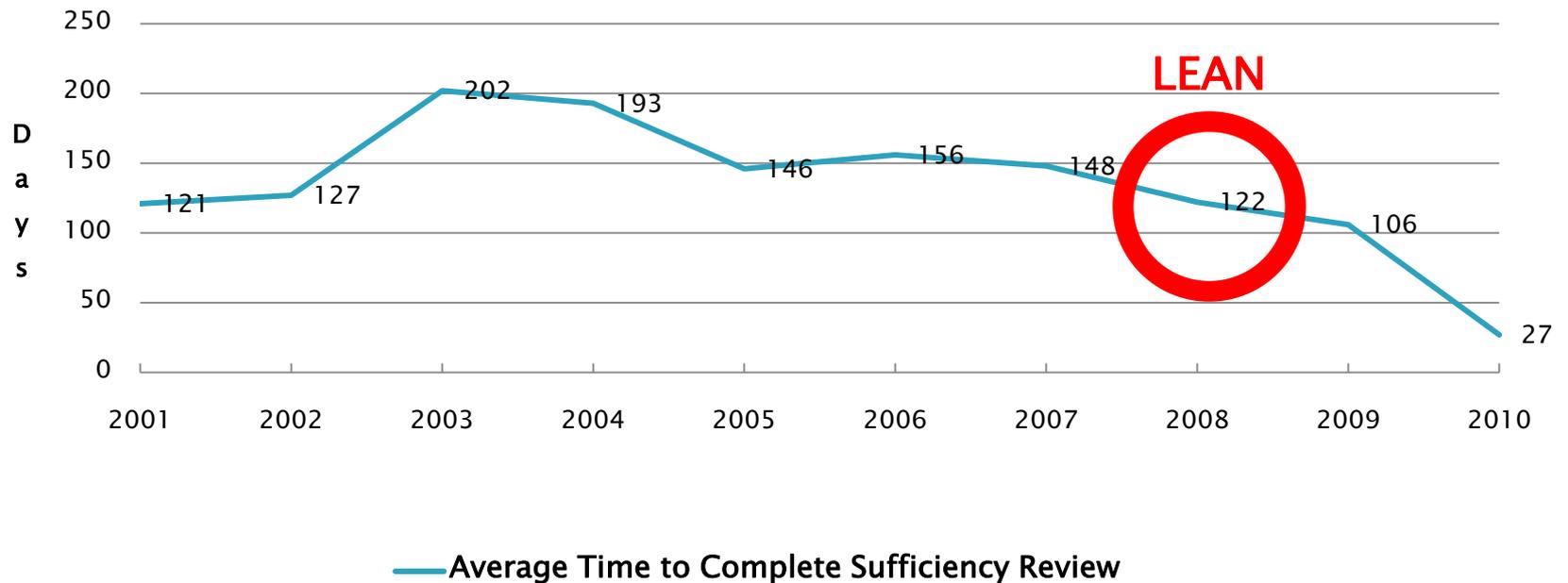
- ▶ Number of permit applications rcvd:
  - 2001–05 avg. = 134
  - 2010 = 89
- ▶ Decrease in applications compared to peak = 33%
- ▶ Number of pending applications on 11/1/08
  - 250
- ▶ Number of pending applications on 6/1/10
  - 141 (105 pre-LEAN/36 LEAN)
- ▶ Reduction in backlog = 44%

# Sufficiency Review

## Sufficiency Review Time Frame

Average # days

(for applications received per time period)

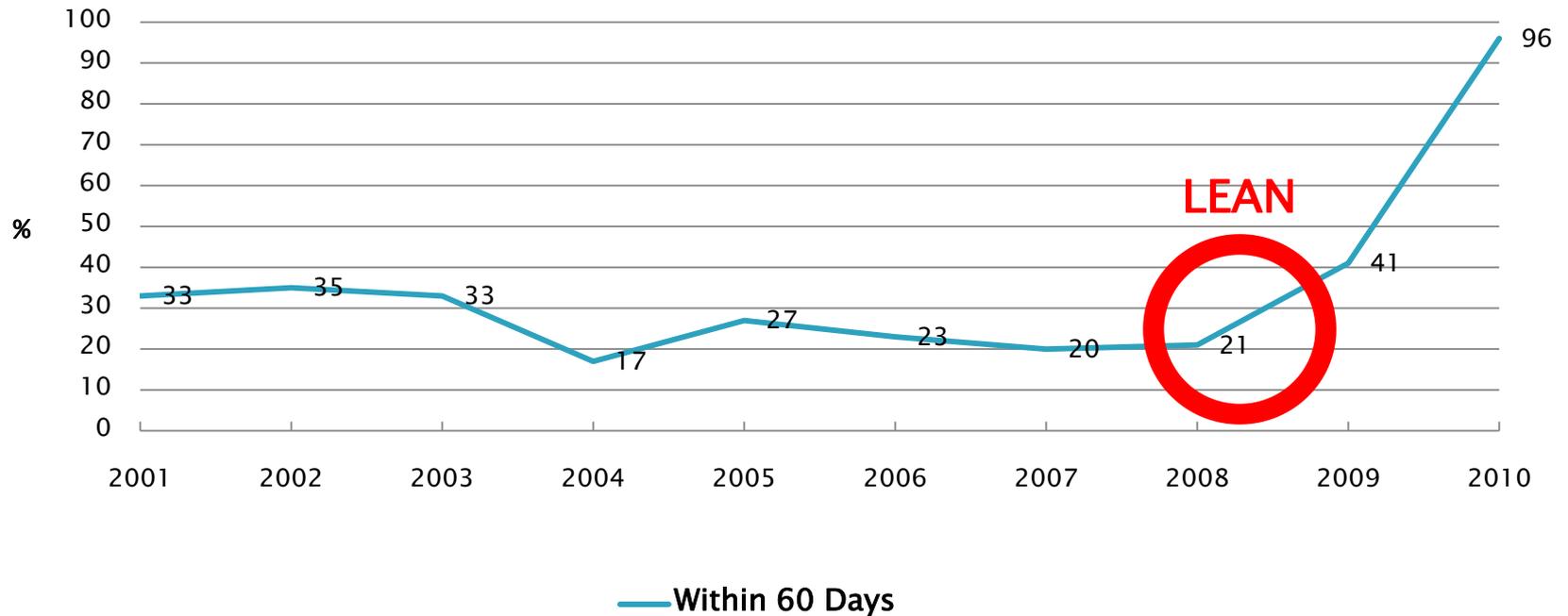


# Sufficiency Review

## Sufficiency Review Time Frame

% Meeting Target

(for applications received per time period)

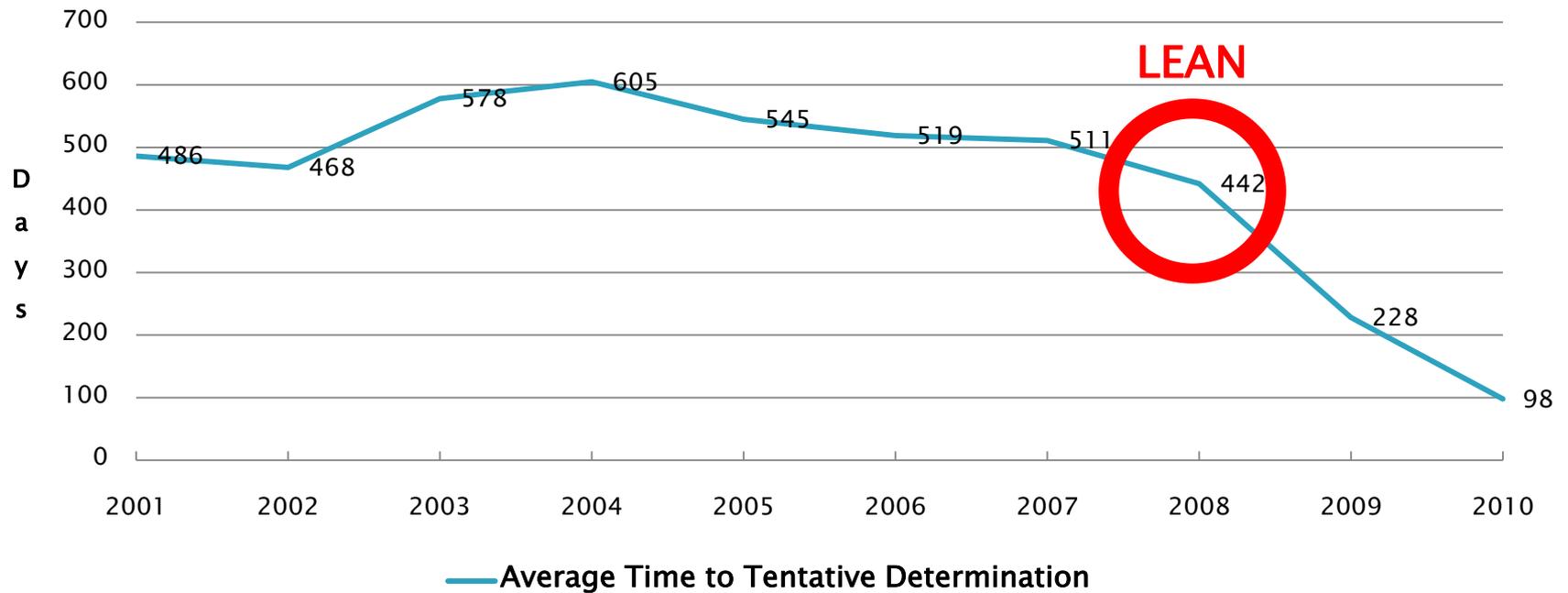


# Technical Review

## Technical Review Time Frame

Average # Days

(For Applications Rcvd During Period)

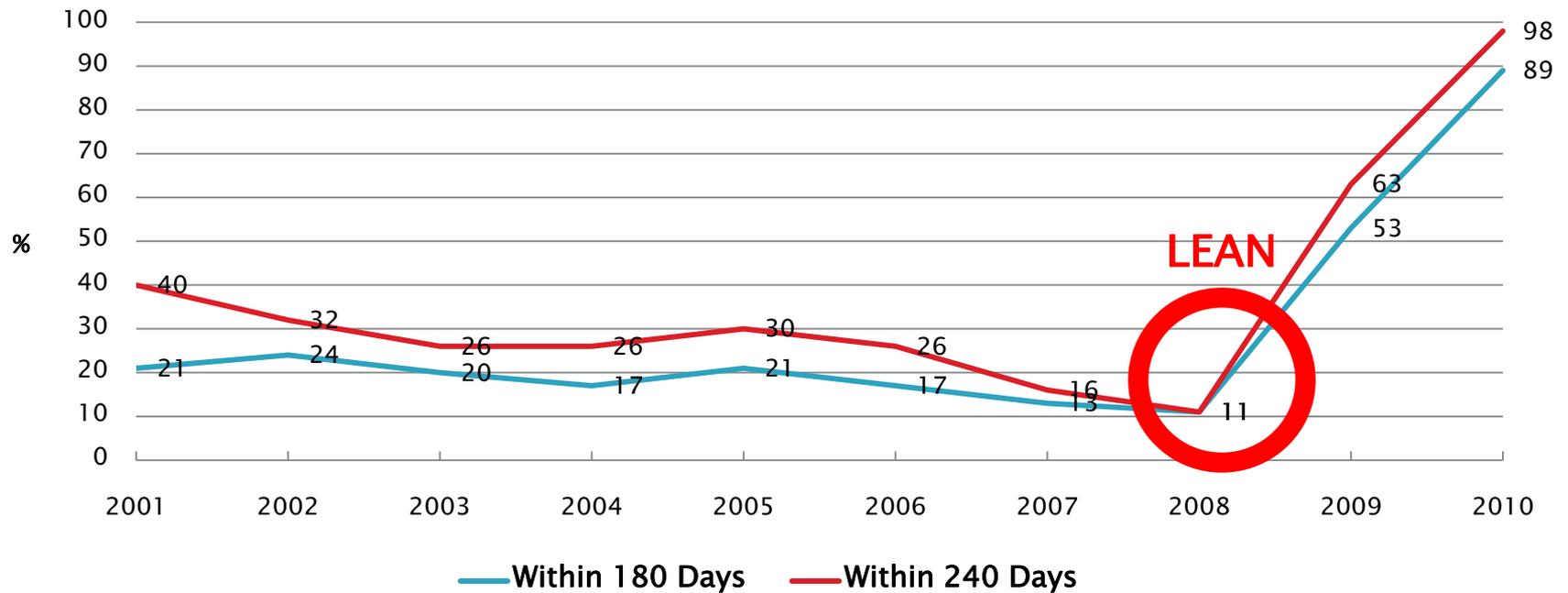


# Technical Review

## Technical Review Time Frame

### % Meeting Target

(For Applications Rcvd During Period)

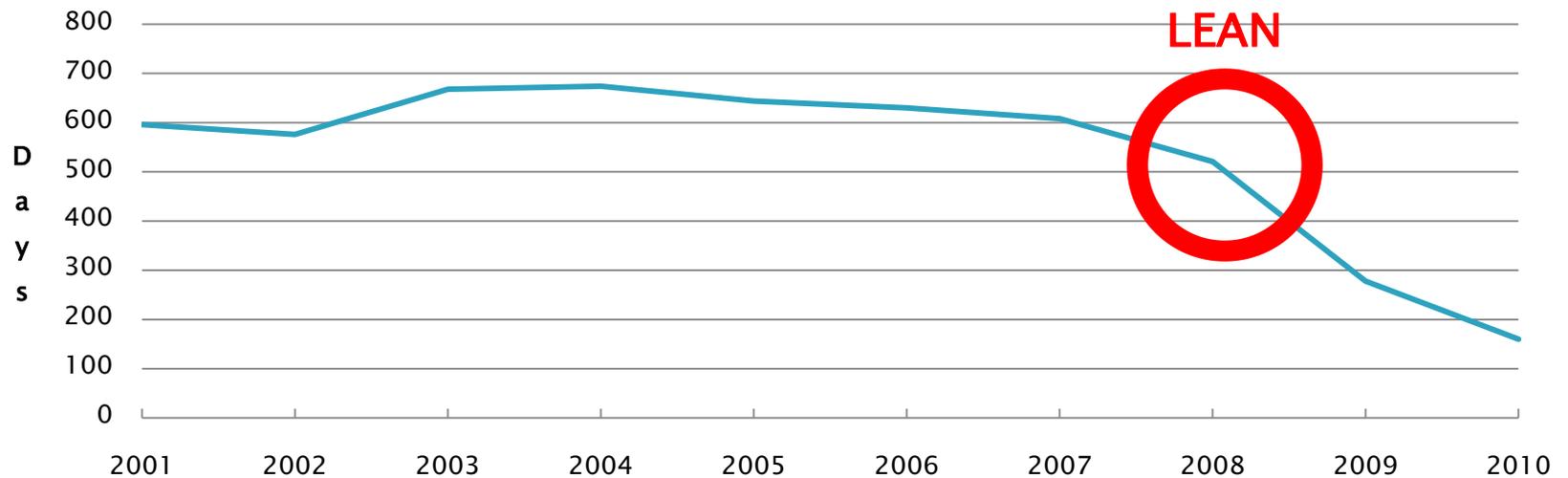


# Time to Issuance

## Overall Time to Issuance

Average # days

(for applications received per time period)



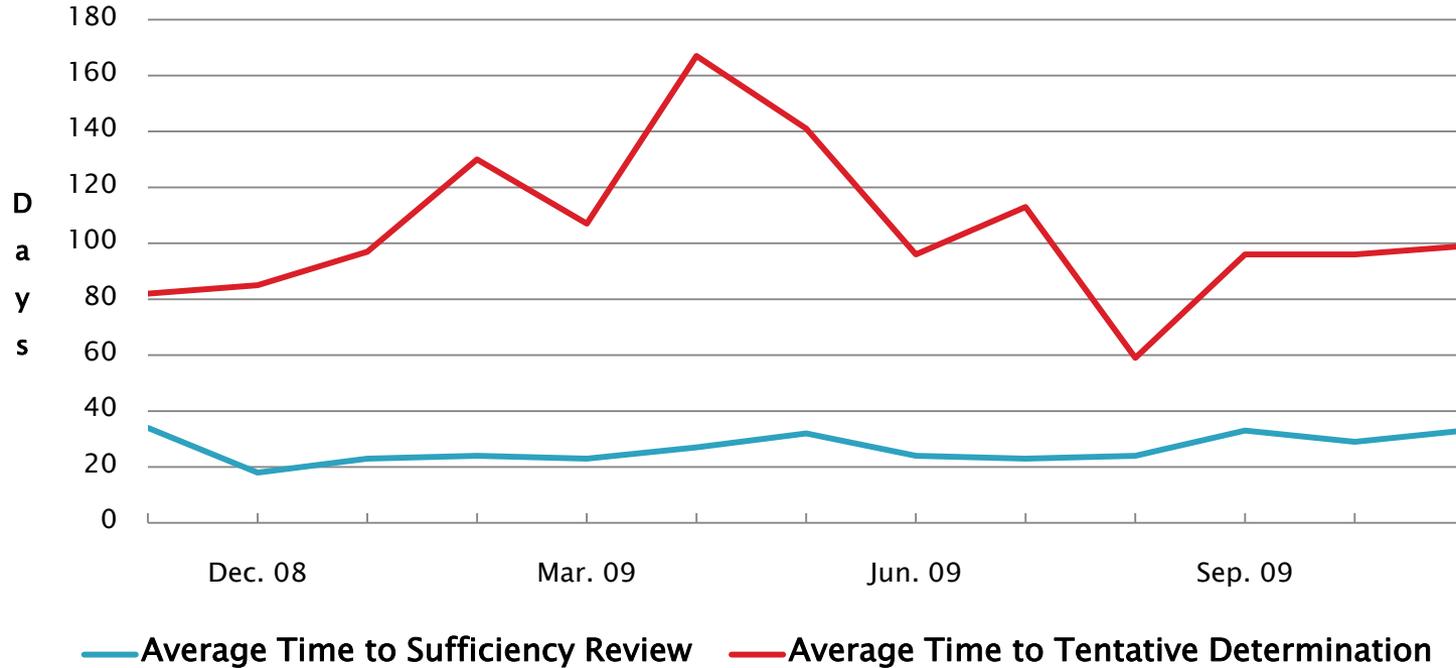
— Average Overall Time to Issuance

# LEAN Processing

## Post-LEAN Review Time Frame

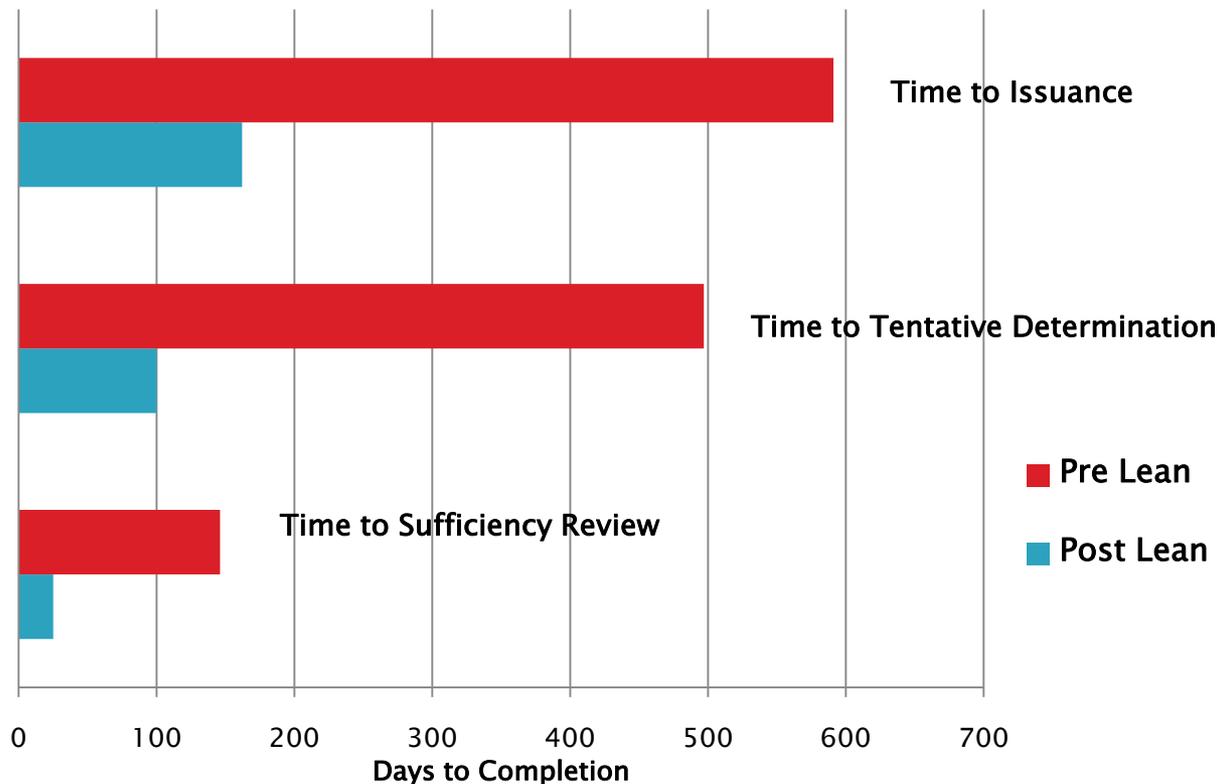
### Average # Days

(For Applications Rcvd During Period)



# Processing Times:

Pre-LEAN and Post-LEAN (average # of days)



# OLISP Staffing Assessment

- ▶ Adequate staffing to:
    - Ensure both permitting & enforcement mandates are met
    - Ensure permitting & enforcement timeframes are met
  - ▶ Meeting application review timeframes at current rate of new applications and staffing
  - ▶ **Uncertainty** about future workload
    - Economic improvement
    - Climate change?
  - ▶ May impact ability to meet timeframes at current staffing
- 

# Programmatic Improvements



# Process Improvement Goals

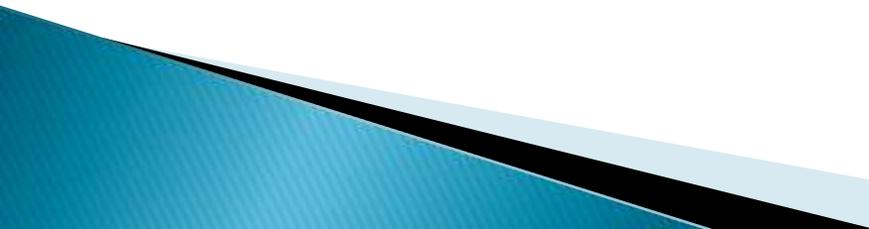
- ▶ Ensure environmental outcome and adding value
  - ▶ Satisfy full scope of obligations, not just permitting
  - ▶ Focus on eliminating waste
- 

# Challenges

- ▶ Workload likely increase as economy improves
- ▶ Regional initiatives and interstate coordination, e.g. Dredged Material Management Plan
- ▶ Climate change
- ▶ Loss of staff
  - P&E
  - Support
- ▶ More hearings

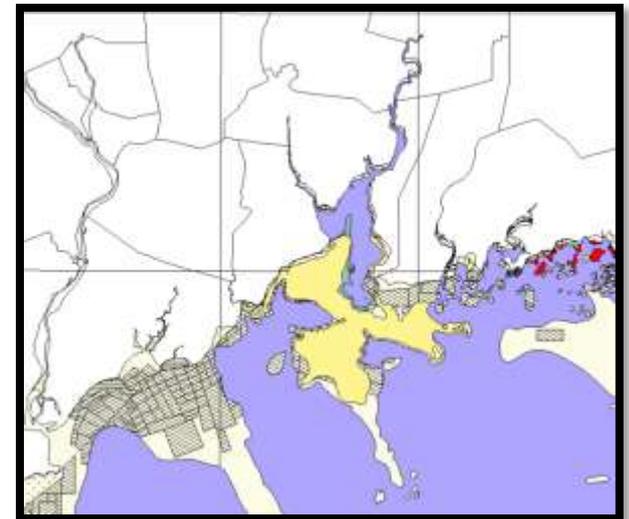


# Programmatic Improvement Highlights

- ▶ 1990: Certificate of Permission
  - ▶ 1995: Expand Certificate of Permission for pre-1980 & tidal wetlands
  - ▶ 1997: 9 General Permits
  - ▶ 2006: Administrative Civil Penalties
  - ▶ 2007: Developed PGP w/ ACOE (most recent)
  - ▶ 2008: Reissue 9 General Permits
  - ▶ 2008: Issue 5 new General Permits
  - ▶ 2008: LEAN application review improvements
  - ▶ 2009: Developed SIMS for data management
- 

# Potential Enhancements In Progress or Under Consideration

- ▶ Statutory Revisions
- ▶ Additional LEAN process improvements
- ▶ Development of new GPs
- ▶ Development of dock regulations
- ▶ Administrative process streamlining
- ▶ Web access to information
- ▶ Staffing



# Statutory Revisions

- ▶ 2010 legislative session: changes were proposed to improve permitting and enforcement processes
- ▶ Little debate, resulted in PA 10-106
- ▶ Vetoed because of unrelated amendment



# Statutory Revision – 2010 Proposal

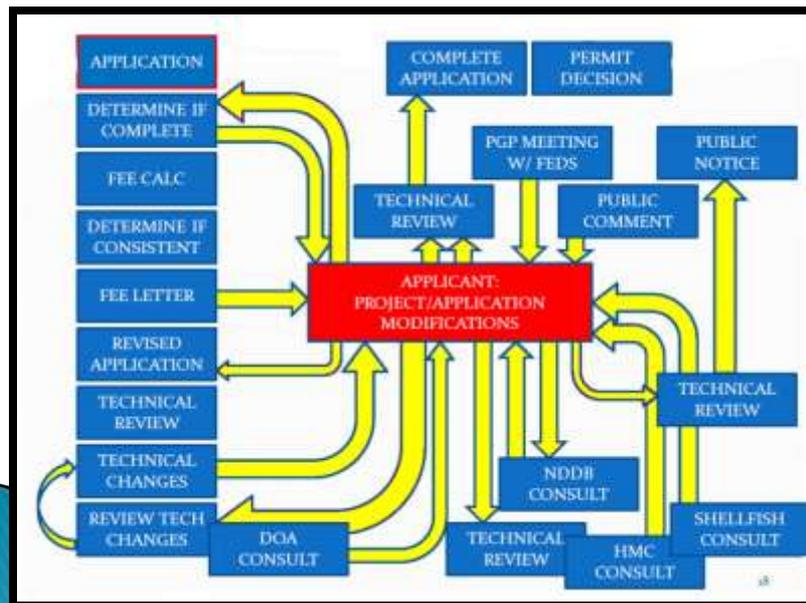
- ▶ **Electronic Notification:**
  - Provides paperless option for certain notification requirements
  - Will be more timely, save money, and be environmentally sensitive
- ▶ **Permits on the land records:**
  - Issued permits to be filed on land records upon issuance
  - Upon transfer of property, most recent authorization to be filed on land records
- ▶ **Increase of application fee for after-the-fact permits not eligible for a COP**
  - Allowances can be made for innocent purchaser
  - Eliminate most consent order penalties

# Statutory Revisions – 2010 Proposal

- ▶ Permit fees may be varied by regulation
  - Guidance for after-the-fact permitting
  - Potential streamlining of fee structure
- ▶ Additions to COP eligibility categories
  - Tidal wetland restoration, resource restoration or enhancement
  - Activities conducted between MHW and HTL before October 1, 1987
- ▶ Change COP eligibility date January 1, 1995
  - Clarify eligibility as limited to activities that meet all current standards and criteria
  - Modify eligibility of unauthorized structures to include minor alterations

# Potential Future LEAN Process Improvements

- ▶ Pre-application consultation with federal agencies – ACOE, EPA, NOAA/Fisheries
- ▶ Updating the fee schedule
- ▶ Delegating the fee-calculation process



**DEP PERMIT CONSULTATION FORM  
HARBOR MANAGEMENT COMMISSION  
ATTACHMENT E:**

To the applicant: Prior to the submission of your permit application to the state, please submit this form with the map section filled out to your local harbor management commission to discuss the work to be proposed for the appropriate contact person with a location map of your site and project plans. Once the commission contains the completed form to you, please submit it along with your permit application.

Applicant Name: _____	Date: _____
Applicant Address: _____	Time: _____
Plans Enclosed: YES <input type="checkbox"/> NO <input type="checkbox"/>	Dating of Plans: _____

Please provide a brief, but thorough, description of the project.

If Town does not have such commission please check the box \_\_\_\_\_ and submit this sheet to DEP-CLISP along with your completed permit application.

**HARBOR MANAGEMENT COMMISSION:**  
This consultation form is required to be submitted as part of an application for a Structures, Dredging & Fill permit (CDE section 22a-301) and/or Shellfish Harvesting permit (CGR section 22a-32) to the Commission DEP. The application has not yet been submitted to the DEP. Please review the enclosed materials and determine whether the project is consistent or inconsistent with your local Harbor Management Plan. You may also provide comments or recommendations regarding the proposal. Should you have any questions regarding this process, please call DEP-CLISP at (800) 624-3134 to speak with the analyst assigned to the town in which the work is proposed. Please return the completed form to the applicant.

**HARBOR MANAGEMENT COMMISSION DETERMINATION**

The Commission has determined that the work as described above is **CONSISTENT** with the harbor management plan.

The Commission has determined that the work as described above is **INCONSISTENT** with the following section of the harbor management plan: \_\_\_\_\_

COMMENTS/RECOMMENDATIONS  
(If applicable, if attached: )

HARBORMAN E BOX \_\_\_\_\_ DATE \_\_\_\_\_

# General Permits “In the pipeline”

- ▶ **\*REVISED\*** 4/40 docks
- ▶ **\*REVISED\*** Harbor & Non-Harbor Moorings
- ▶ **\*NEW\*** Scientific Monitoring Devices
- ▶ **\*NEW\*** Aquaculture Structures
- ▶ **\*NEW\*** Dock repairs



# Dock Regulations – Potential Benefits

- ▶ Provide regulatory certainty and transparency
- ▶ Specific policies for important resource areas
- ▶ More timely permit application reviews
- ▶ Reinforce HMP policies
- ▶ Clear expectations



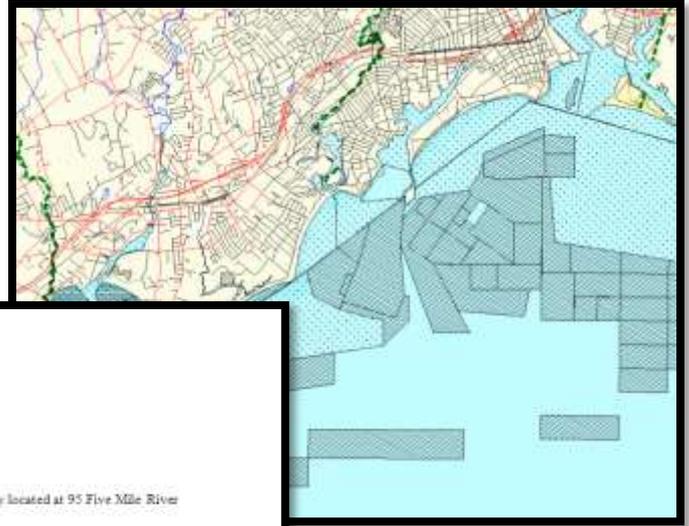
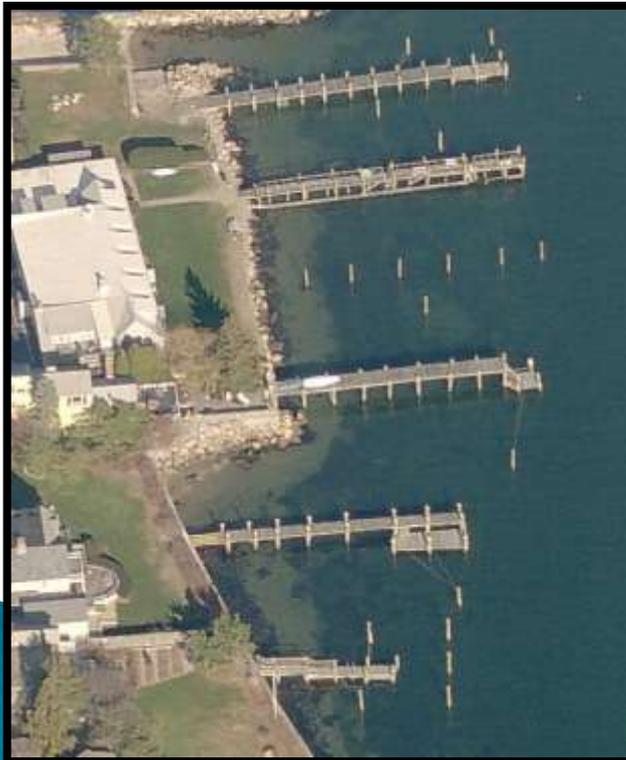
# Administrative Process

- ▶ Adjudications LEAN (in progress)
- ▶ Declaratory ruling streamlining (under consideration)



# Web Access to Information

- ▶ Air photos
- ▶ Application information
- ▶ GIS layers



**PERMIT**

**Permit No.:** 200401072-KB  
**Town:** Darien  
**Work Area:** Five Mile River off property located at 95 Five Mile River Road  
**Permittee:** Craig W. Kollman  
95 Five Mile River Road  
Darien, CT 06820

Pursuant to sections 22a-359 through 22a-363f and sections 22a-28 through 22a-35 of the Connecticut General Statutes (CGS) and in accordance with CGS section 22a-98 and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection (Commissioner) to remove existing docking access structures and install new docking access structures for private recreational boating use at the property more specifically described below in the **SCOPE OF AUTHORIZATION**, in Five Mile River at the property identified as the "work area" above. The work area is an area of tidal wetlands adjacent to the Five Mile River.

**\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.**

**SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application N 200401072-KB, including 4 sheets of plans attached hereto as follows: Sheet 1 dated February 10, 2004, and Sheets 2 through 4 dated February 10, 2004 and revised March 16, 2006 submitted by the Permittee to the Commissioner and attached hereto:

1. remove the following existing docking access structures:

State of Connecticut Department of Environmental Protection  
Web Application - Business Internet Explorer

Select Search Criteria: [Select Search Criteria] [Go] [Cancel] [Print]

Site Name: [ ] [Country: US] [Check alternative water site]  
ZIP: [ ] [Print]  
Address: [ ]  
City/Town: [ ]  
State: [ ]  
Job: [ ]  
BCL Control: [ ] Search BCL Control  
NHSL Control: [ ] Search NHSL Control  
Industry Research: [ ]

2006 Home | Help | Feedback | 2006 Document  
© 2006 The State of Connecticut Department of Environmental Protection

# Staffing – Potential Opportunity:

## *Compliance and Regulatory Assistant*

- ▶ Assist applicants in pre-application design
  - ▶ Provide compliance assistance
  - ▶ Site report preparation for consultants/staff
    - ❑ Air Photo/photo archive research
    - ❑ Prior permit/enforcement action research
    - ❑ Coastal Resource/other data layer mapping
    - ❑ Field visits/photographs
- 

# Summary



# Summary

- ▶ LEAN is working
  - ▶ Currently meeting timeframes
  - ▶ Ability to maintain performance depends on future workload – **Uncertainty**
  - ▶ Additional programmatic improvements are in progress or under consideration (e.g. dock regulations)
- 

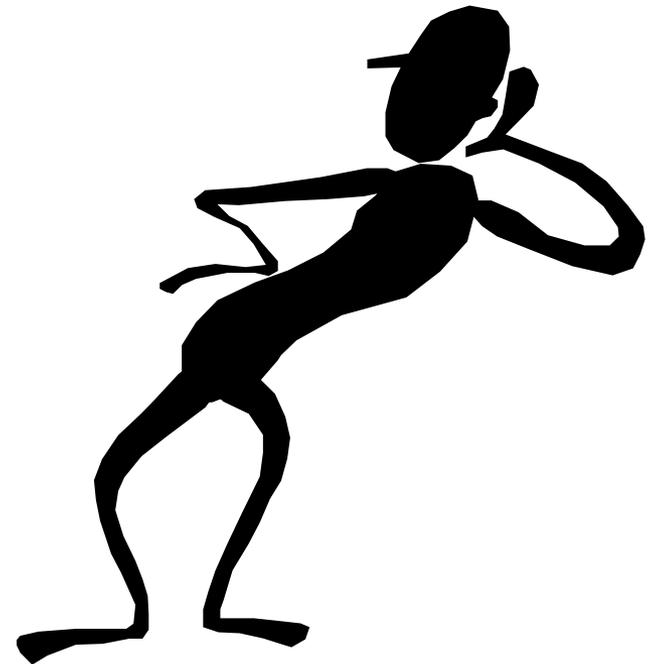
# Stakeholder Feedback

»» What we've heard

How can we improve our service to you?

# Suggestions We've Heard

- ▶ Expand GP eligibility to cover more docks
- ▶ Expedite declaratory ruling process
- ▶ Permit-by-rule



# Other Feedback ...

- ▶ What are we doing right?
- ▶ How can we improve?



# Additional Feedback?

- ▶ Send other thoughts, ideas or feedback to:

[brian.thompson@ct.gov](mailto:brian.thompson@ct.gov)



Connecticut DEP



Thank you for participating!