



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 24, 2011  
Commerce Committee

Testimony Submitted by Commissioner Amey W. Marrella  
Department of Environment Protection

**Raised Committee Bill No. 1019 - AN ACT EXPEDITING THE STATE PERMITTING PROCESS**

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Thank you for the opportunity to present testimony regarding Raised Committee Bill No. 1019 - AN ACT EXPEDITING THE STATE PERMITTING PROCESS. The Department of Environmental Protection (Department) offers the following testimony. The Department fully supports the intent of this bill - timely processing of permit applications for those doing business in Connecticut. In fact, the Department continues to dedicate significant resources to improve the processes and speed by which permits are issued.

As you know, last year the Department worked closely with members of the General Assembly and stakeholders to craft legislation enacted as Public Act 10-158 AN ACT CONCERNING THE PERMIT AND REGULATORY AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ESTABLISHING AN OFFICE OF THE PERMIT OMBUDSMAN WITHIN THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT. Public Act 10-158 incorporated ideas from both the April 2010 Report of the Governor's Task Force on Permitting and various legislative proposals pursued by the Connecticut Business and Industry Association and other business interests last session. This public act was the product of much debate and negotiation among many stakeholders. The resulting legislation looked to address the needs of business and the legitimate concerns they raised without lessening environmental protection – all in a time of limited resources.

One of the requirements of the Act was that the Department undertake a comprehensive permit assessment review and report to the General Assembly on all permitting programs. The Department conducted this review last Fall and our September 30, 2010 Permitting Assessment Report that summarizes our assessment, findings, and recommendations can be found on the Department's website (see [http://www.ct.gov/dep/lib/dep/permits\\_and\\_licenses/assessment/permit\\_assessment\\_report.pdf](http://www.ct.gov/dep/lib/dep/permits_and_licenses/assessment/permit_assessment_report.pdf)).

As reported to the Governor's Task Force last year and further detailed in the Permitting Assessment Report, the Department has been working hard over the past several years to provide more readily understandable information on how the environmental permitting process works, what permits are needed, and what is necessary to submit a complete application. Additionally, the Department offers, in fact encourages, new businesses to schedule one-on-one pre-

application meetings where staff from the appropriate programs meet with applicants and their representatives to provide guidance on permitting requirements, and recommend solutions to applicants that will lessen administrative burdens and streamline permit review. It was also noted that the Department works cooperatively with the Department of Economic & Community Development and other agencies to ensure their clients have a clear understanding of the environmental considerations for new projects. These services are provided free of charge to new and existing businesses.

Starting in 2008, the Department began to apply LEAN principles and practices to improve the way we do business. LEAN is a process improvement approach that identifies and minimizes wasted time and effort. Through a week-long exercise, staff teams identify needed improvements and develop implementation plans. As of January 2011, the Department has completed over 30 LEAN events and we continue to improve as the result of these exercises. We are becoming more efficient while maintaining environmental standards. As a result, we will be able to make decisions more promptly, and address new environmental challenges as they arise. Please see the attached fact sheet on the Department's LEAN efforts, which highlights some of the dramatic improvements attained with this technique.

Public Act 10-158 also established time frames goals for permit processing: 60 days to determine that an application is sufficient to process; and 180 days to reach a tentative determination to grant or deny the permit. Our Permitting Assessment Report explained where we were at meeting these goals (approximately half of the programs are meeting one or more of the goals 90% of the time, see attached table on goal attainment – from page IV-2 of our report) and identified more than 40 process improvements and more than 20 programmatic changes, as well as additional staffing and resources, that would further improve the timeliness of acting on permit applications.

The proposal before you today, **Raised Committee Bill No. 1019 - AN ACT EXPEDITING THE STATE PERMITTING PROCESS** is now resetting the goals that Public Act 10-158 established only last year, well in advance of any realistic opportunity to implement the changes identified through the Department's 2010 permit assessment. These shorter time frames would set goals that we have been unable to currently achieve – even in programs that were first to undertake LEAN efforts. As we address in our report, tighter timeframes would constrain our ability to work with applicants to find solutions that allow projects to proceed.

Finally, the proposed bill suggests automatic approval of applications if the Department's decisions do not meet the time frames. The Department administers various federal programs through delegated authority and federal grants –including water, air, and hazardous waste pollution control permitting. We are concerned that an automatic approval requirement would jeopardize these federal dollars and delegations. To respond fully to this bill's proposal, the Department is conferring with the US Environmental Protection Agency and will provide further information to the Committee shortly.

In summary, we certainly understand the importance of providing timely responses to permit applicants, and we are working hard to improve. However, while significant progress has been made in many areas, due in large part to process improvement efforts like LEAN, the

Department is still striving to reach the goals set by last year's legislation. We ask that the General Assembly give the Department the opportunity to work toward those goals before any tighter time frames are established. The Department would welcome the opportunity to work with members of the committee and proponents of the bill to discuss our concerns.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).



## 2009 Permit Program Time Frame Goal Attainment

DEP Individual Permit Programs	Sufficiency % Met Goal (60 days)	Tentative Determination % Met Goal (180 days)
<b>Air Emissions</b>		
New Source Review	95	81
Title V Operating Permits	71	93
<b>Water Discharges</b>		
To Groundwater - New	100	100
To Groundwater - Renewal	50†	0†
To Sanitary Sewer - New	33†	33†
To Sanitary Sewer - Renewal	100	0
To Sanitary Sewer - Modification	0†	0†
Municipal Facilities - Renewal	100	0
To Surface Water (NPDES) - New	100†	0†
To Surface Water (NPDES) - Renewal	100	100
To Surface Water (NPDES) - Modification	33†	100‡
<b>Inland Water Resources</b>		
Dam Safety	67	83
Flood Management Certification	53	95
Inland 401 Water Quality Certification	39	56
Inland Wetlands and Watercourses	31	54
Stream Channel Encroachment Lines	50	100
Water Diversion	33	64
<b>Coastal Resources</b>		
Certificate of Permission	100	100
Coastal 401 Water Quality Certification	100	100
Structures and Dredging/Tidal Wetlands	96	98
<b>Waste Management</b>		
Aerial Pesticide Application	¥	100
Aquatic Pesticide Application	¥	100
CGS Section 22a-454 Waste Facilities	67	100
Hazardous Waste Treatment, Storage and Disposal	100	0
Marine Terminal License	¥	100
Stewardship Permits	100	100
Solid Waste Facilities - New	33†	67†
Solid Waste Facilities - Renewal	58	40
Solid Waste Facilities - Modification	33	100
Waste Transportation	¥	100

† denotes data from 2008

‡ denotes data from 2006

¥ denotes step not required





# Department of Environmental Protection

## LEAN – managing in a world of “do more with less”

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### What is LEAN?

A process improvement approach that identifies and minimizes wasted time and effort. Through a week-long exercise, staff teams identify needed improvements and develop a one-year plan to implement the improvements.

### Benefits of LEAN

- Empower staff to identify and implement the improvements, not management alone.
- Become more efficient, without lowering our environmental requirements.
- Promote tracking of performance indicators and use of visuals so staff adhere to standard processing time.
- Increase the value of DEP’s services to customers.
- Embrace a continuous improvement philosophy, bringing about cultural changes.

### Added Value of LEAN

As more innovative and efficient practices are implemented through LEAN, DEP is able to use staff resources to more effectively meet our obligation to protect and preserve the environment and natural resources of this state. Improving and streamlining our processes allows DEP to:

- Address backlogs and stay current
- Improve the quality of our work
- Better meet the needs of our “customers”
- Address new challenges and tackle emerging issues
- Promote environmental sustainability

### DEP LEAN Projects and Value Stream Mapping

30 projects undertaken as of January, 2011 that addressed processes related to environmental quality and conservation as well as business administration. Areas that have undergone LEAN projects include permitting, inspection, and enforcement in air, waste, and water pollution control programs, trout stocking, boating safety, requisition and purchasing, health and safety, information management, radiation registration, natural diversity database review and forest management.

Value Stream Mapping (VSM) is a tool used in the LEAN process. VSM is a mapping method used to document the Current State and the desired Future State of information and material flows.

- VSM was used to compare Current State versus desired Future State; this type of analysis enables a determination of the percent reduction in process steps resulting from more efficient delivery of services.

View additional information on the LEAN Initiative and *DEP’s LEAN and Green* video at [www.ct.gov/dep](http://www.ct.gov/dep)

**Table Showing Some Examples of the Results Gained from a Number of Lean Events.**

<b>Lean Team/Project</b>	<b>Pre-Lean Goals</b>	<b>Post-Lean Results</b>	<b>Reduction or Improvement</b>
<b>Water Enforcement Program (Lean I - completed)</b>	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%
<b>Office of Long Island Sound Permit Program (Lean I – completed)</b>	Reduce processing time of initial response letter by 85% (205 to 30 days)	Average = 26 days	87%
	Reduce processing time from application receipt to permit decision by 72% (566 to 160 days)	Average = 167 days	70%
<b>Solid Waste Enforcement Program (Lean II - completed)</b>	Establish electronic tracking mechanism for solid waste enforcement cases	Electronic system in place making for more efficient oversight and completion of cases	NA
	Reduce open enforcement cases by 10% (651 to 586 cases)	Case load = 400	27%
<b>Inland Water Resources Division, Permitting Program (Lean II – completed)</b>	Reduce response times back to applicants by 40%	Sufficiency review process being completed within 90 days (83% of the time)	61.4%
	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%
<b>Storage Tank Compliance Inspection Program (Lean II - completed)</b>	Increase number of inspections from 20 to 100 per month	Exceeded goal = averaged 133 inspections per month	565%
<b>Wastewater Discharge Permitting Program (NPDES) (Lean IV – project end May 2010)</b>	Reduce time to process permits by 70% (925 to 284 days)	Current average = 135 days (sample size is five applications)	77%