CONNECTICUT
ENERGY
ENVIRONMENT

20 BY 20 RESULTS

Fall 2019

20 GOALS

aimed at increasing **predictability**, **efficiency**, and **transparency** of DEEP's regulatory processes

TO MEET IN 2020

www.ct.gov/deep/20by20
20by20@ct.gov

Commissioner's Introduction

Dear Friends,

Thank you for your interest in DEEP's 20BY20 initiative to make our regulatory processes more predictable, efficient, and transparent.

We are living at a time that calls for urgent action on climate and environmental protection. The Department of Energy and Environmental Protection is tasked with this important work, which includes administering regulatory programs to ensure that businesses can grow and thrive while meeting environmental standards.

To succeed, we must find opportunities to improve our processes, provide greater transparency, develop new partnerships, and utilize technology. I am pleased to present this first quarterly report on our progress on all 16 original 20BY20 goals, as well as naming the four additional crowd-sourced goals in our first quarterly 20BY20 RESULTS: FALL 2019.

I hope you will find this report informative, and I welcome your feedback by emailing 20BY20@ct.gov.

KATIE DYKES
DEEP COMMISSIONER

GOAL 1: MAKE PERMITTING TIMEFRAMES MORE TRANSPARENT

Businesses are not the only beneficiaries of a more predictable approval timeframe – all stakeholders win from having a clear outlook on how long a given process should take. Internally, targeting timeframes and tracking permit outcomes help DEEP's committed environmental professionals identify areas where process improvements, innovations, or additional resources may be necessary.

This summer, our permitting programs developed a new set of permitting timeframes. For the first time, the public can see the expected timeframe for every type of permit that we issue. These timeframes will be **posted on DEEP's website to help** businesses and other stakeholders plan accordingly.

The logic behind these timeframes is simple:

The types of permits DEEP issues are categorized into four different permitting timeframes – immediate, within 3, 6 or 12 months – based upon the following four factors: extent of review; public notice requirements; level of potential risk to the environment; and technical complexity.

Expected Permitting Timeframes

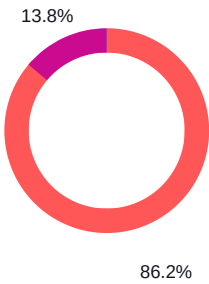|	Immediate	Within 3 Months	Within 6 Months	Within 12 Months
EXTENT OF REVIEW How much review is needed to conduct the permitting process?	NO TO MINIMAL REVIEW	LIMITED REVIEW	SIGNIFICANT REVIEW	EXTENSIVE REVIEW AND ANALYSIS
PUBLIC PROCESS To what extent is public process required?	NONE	COMPLETE PRIOR TO APPLICATION	PUBLIC NOTICE LIKELY REQUIRED	PUBLIC NOTICE REQUIRED
POTENTIAL RISK What are the potential risks associated with the regulated activity?	MINIMAL	LOW	MODERATE	HIGH
TECHNICAL COMPLEXITY How complicated is the permitting process?	MINIMAL	LOW	MODERATE	HIGH

Each 20BY20 RESULTS report, beginning with this one, will report **how we are doing in meeting those timeframes.**
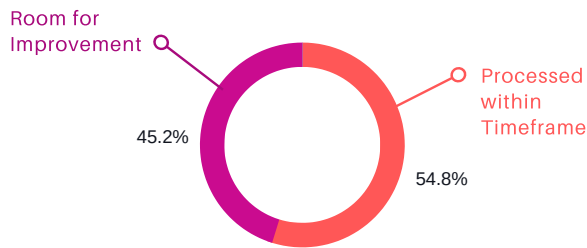
3 Month
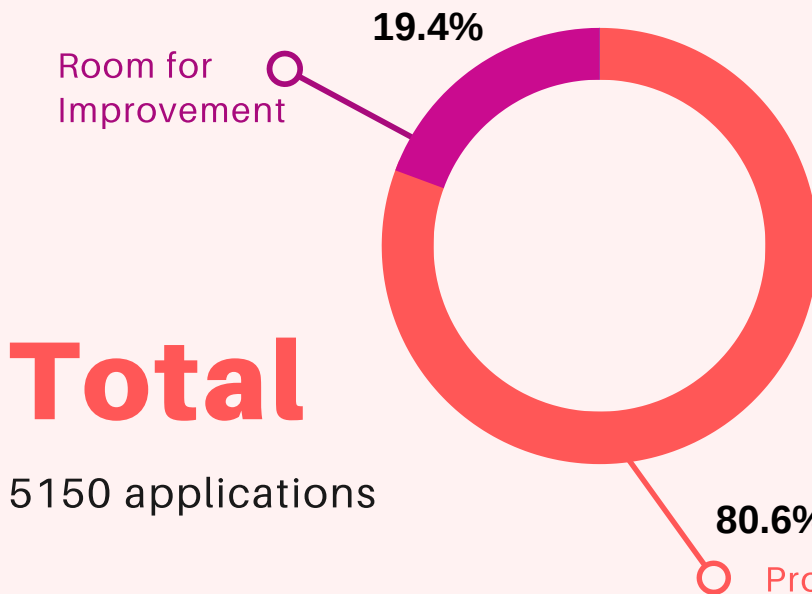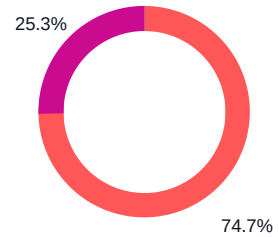
4153 applications in this category in the past 32 months

13.8%

86.2%

6 Month

922 applications in this category in the past 32 months

Room for Improvement

Processed within Timeframe

45.2%

54.8%

12 Month

75 applications in this category in the past 32 months

25.3%

74.7%

19.4%

Room for Improvement

Total

5150 applications

Between now and the end of 2020, **DEEP will be working to increase the percentage of permit applications processed within the expected timeframes.**

Over the past 32 months,

81% of applications were processed within these timeframes.

*That's encouraging, but we want to see this percentage **climb higher.***

80.6%

Processed within Timeframe

GOAL 2: ENHANCE PRE-APPLICATION ASSISTANCE

Clear communication at the start of a permitting process can help smooth the path to a timely and successful outcome. We've made it easier to schedule a pre-application meeting using a short questionnaire. The responses by the applicant help us ensure we have all the right staff in the room.

After the meeting, we survey the applicant to see if they found the meeting helpful. So far, we are off to a strong start, with **96% of applicants reporting their experience as "good," or "excellent."**
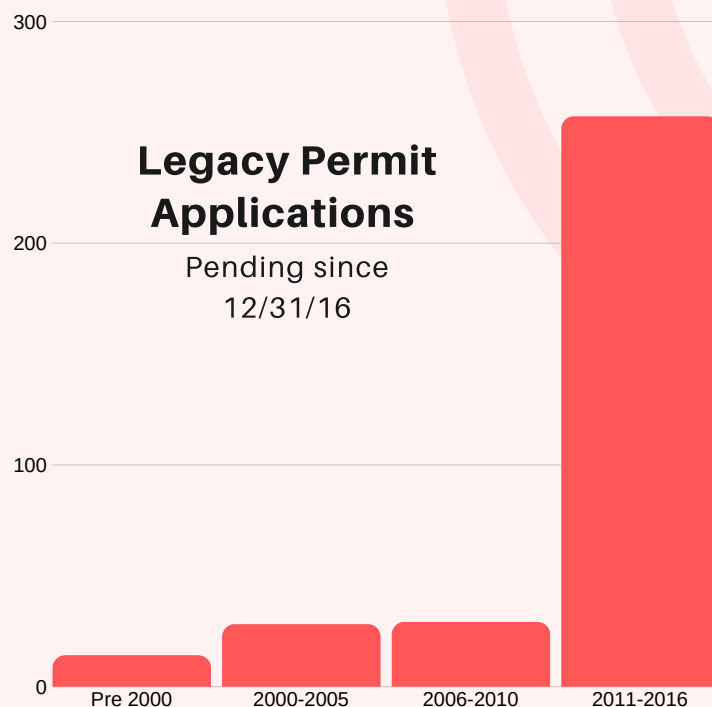
We want to see that number stay high, and make continuous improvements to how we communicate throughout the permitting process, including at the start.

Approximately 50 multi-program and several hundred single-program pre-application meetings have been held within the past 12 months.

GOAL 3: REDUCE NUMBER OF LEGACY PERMIT APPLICATIONS PENDING

A legacy permit application is an application that dates to 2016 or earlier that has not reached the point of a final decision by the department.

There are **328 such applications currently pending with DEEP.**

Legacy Permit Applications
Pending since 12/31/16

	Pre 2000	2000-2005	2006-2010	2011-2016

Most of the legacy applications fall within the longest expected timeframe based upon technical complexity, extensive review needed, public notice requirement and high potential risk to the environment.

Since the launch of the 20BY20 initiative in June, DEEP has assigned teams to address legacy applications. Future reports will highlight the number of legacy applications brought to resolution each quarter.

GOAL 4: REDUCE TIME FOR TRANSFER ACT AUDITS

The Property Transfer Act applies to properties with an elevated risk of environmental contamination at the time of sale. This framework has the benefit of ensuring that legacy contamination is addressed, at a time when parties may have the opportunity to address cleanup costs as part of a transaction. The challenge, of course, is to ensure that the remediation process follows predictable timelines that are compatible with a thriving commercial real estate market.

DEEP developed the Licensed Environmental Professional (LEP) Program to expedite environmental clean-ups under the Transfer Act. Relying primarily on LEPs to certify the work has enabled DEEP to focus on auditing a subset of cleanups, rather than reviewing each one individually.

Property owners need certainty that remediation is complete, and that means they wait to hear from DEEP on whether an audit needs to be conducted. In many cases, an audit is not necessary and the project can be considered complete. Providing a more timely decision will ensure greater certainty that can help facilitate property transfer and redevelopment, which in turn will ensure more sites are remediated.

As part of the 20BY20 initiative, DEEP is reviewing its internal processes with the goal of routinely issuing an audit/no audit decision in 90 days or less.

Currently, out of 350 filings received between 2015 and today, only 15% received an audit/no audit decision with 90 days. Going forward, it is DEEP's goal to achieve this timeframe 100% of the time.

REMEDIATING LAND

DEEP programs assisted in completing **421 cleanups** and putting **3,624 acres back to productive use** over the past decade.
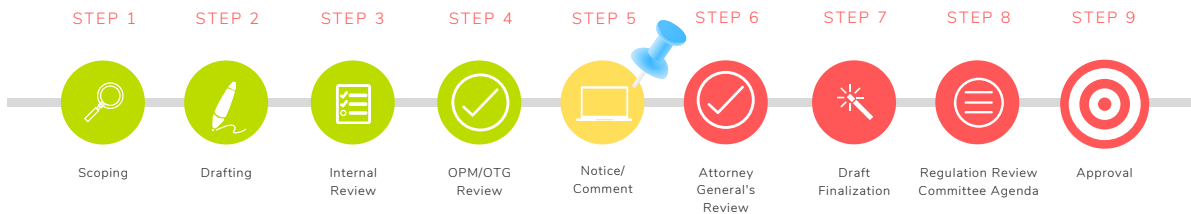
GOAL 5: FINALIZE RSR AND EUR REGULATIONS

KEY

Where We Are Today

2020 Goal

Remediation Standards Regulations (RSRs) set the goalposts for site cleanup and provide remedies that can be used to reach those goals. The Environmental Use Restriction (EUR) Regulations contain the process for implementing these restrictions and will, for the first time, implement a less complex method of restricting property in addition to other mechanisms already in use. Together, these regulations will ensure environmentally sound standards and greater efficiency of property cleanup and redevelopment.
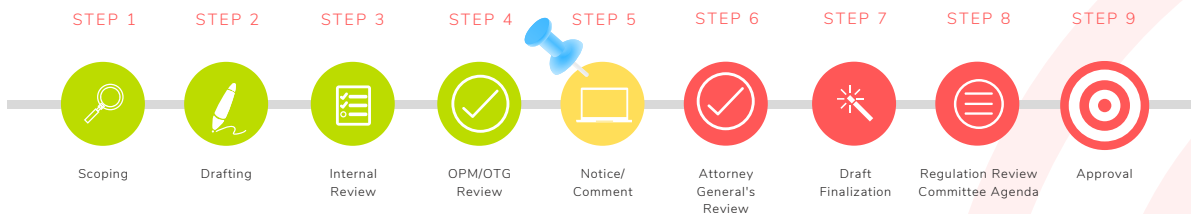
RSRs

Currently at Notice/Comment Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
Scoping	Drafting	Internal Review	OPM/OTG Review	Notice/ Comment	Attorney General's Review	Draft Finalization	Regulation Review Committee Agenda	Approval

EURs

Currently at Notice/Comment Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
Scoping	Drafting	Internal Review	OPM/OTG Review	Notice/ Comment	Attorney General's Review	Draft Finalization	Regulation Review Committee Agenda	Approval

GOAL 6: FAST TRACK SAME-TO-SAME PERMIT RENEWAL TIME

Permit renewals without changes should take less time to process – but still require careful review of the application and consideration of compliance history to determine whether there are any modifications. DEEP has developed, but not yet implemented, a new renewal application form for solid waste permitting that will make it easier to determine whether there are modifications requested such as a change in operational processes. Implementing this process improvement should decrease the average renewal timeframe for solid waste permits.

Average processing time for individual solid waste permit renewal applications fall **within the 12 month timeframe.**

We want to see this time decrease with the implementation of process improvements, with the target timeframe of 9 months or less for a permit renewal without modification.

GOAL 7: CHANGE INDIVIDUAL PERMITS TO GENERAL PERMITS

General permits provide for a more streamlined approval process without sacrificing environmental standards. DEEP has successfully utilized general permits across air, water, materials management, and land use programs to provide greater regulatory consistency for activities with lower environmental risk and technical complexity.

MITIGATING RUNOFF
Nitrogen pollution from sewage treatment plants and storm water runoff is a serious threat to Long Island Sound ecosystems. DEEP's Nitrogen Control Program **reduced this pollution by 65%.**

DEEP's Environmental Quality programs issue 40 types of individual permits and 39 general permits. Through the 20BY20 initiative, we will pursue converting more individual permits to general permits where appropriate while continuing to enforce compliance with regulatory requirements.

Current priorities include developing a Pretreatment Miscellaneous Industrial User General Permit – this affects wastewater discharges to a wastewater treatment facility such as contact cooling and heating water, water treatment, food processing, commercial laundry, and other discharges – as well as the development of an Aquatic Pesticide General Permit to regulate the use of aquatic pesticides under limited conditions and settings.
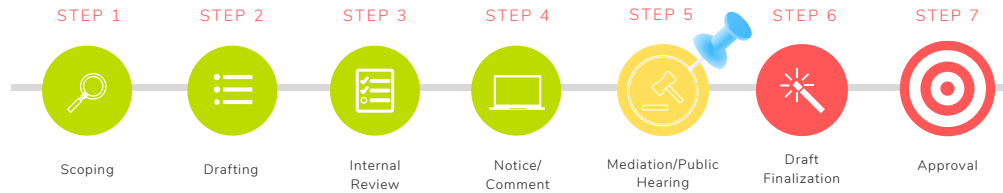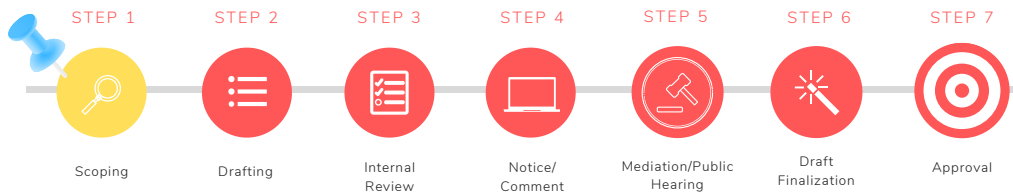
Development of Pretreatment Miscellaneous Industrial User General Permit

Currently at Mediation/Public Hearing Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Scoping	Drafting	Internal Review	Notice/ Comment	Mediation/Public Hearing	Draft Finalization	Approval

Development of Aquatic Pesticides General Permit

Currently at Scoping Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Scoping	Drafting	Internal Review	Notice/ Comment	Mediation/Public Hearing	Draft Finalization	Approval

GOAL 8: ELIMINATE SOME PERMITS AND MOVE TO "PERMIT BY RULE"

Well-crafted regulations can eliminate the need for certain permits. DEEP's Air Bureau has eight categories of activities covered by "permit-by-rule," that is, subject to requirements spelled out in a regulation rather than a permit.

CLEANER AIR

Connecticut has **reduced air pollution from major facilities by 60%** over the past decade.

DEEP is currently working to convert the General Permit to Limit Potential Emissions, which covers 200 sources, into regulation.

Conversion of General Permit to Limit Potential Emissions

Currently at OPM/OTG Review Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
Scoping	Drafting	Internal Review	OPM/OTG Review	Notice/ Comment	Draft Finalization	Attorney General's Review	Regulation Review Committee Agenda	Approval

GOAL 9: SIMPLIFY NATURAL DIVERSITY DATA BASE DETERMINATIONS

DEEP's Natural Diversity Data Base (NDDB) program performs hundreds of environmental reviews each year to determine the impact of proposed development projects on state listed species and to help landowners conserve the state's biodiversity. State agencies are required to ensure that any activity authorized, funded, or performed by a state agency does not threaten the continued existence of endangered or threatened species.

The process begins with an evaluation of whether a project may impact listed species – and thus requires an NDDB evaluation to provide appropriate requirements for conserving those species. This initial screen sometimes takes several weeks to complete, as program staff are managing hundreds of reviews at various stages of completion.

MAINTAINING DIVERSITY

There are over **84** species of mammals, **335** species of birds, **50** species of reptiles and amphibians, **169** species of fish, and an estimated **20,000** species of invertebrates in Connecticut.
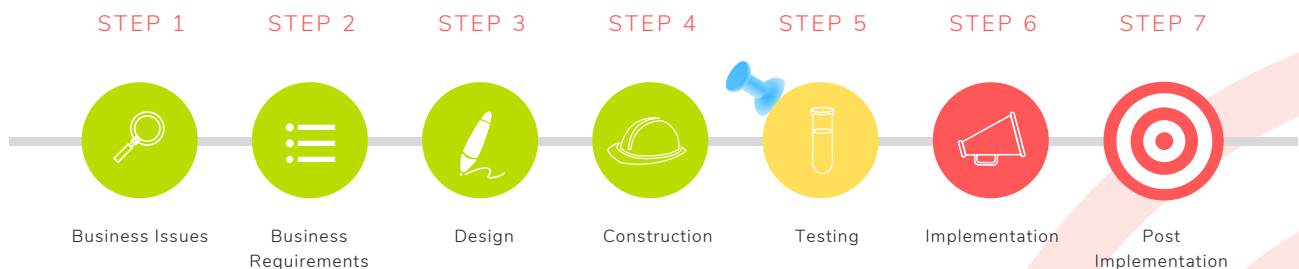
To help reduce the time it takes to complete the initial screening, DEEP is developing a self-service user portal that can provide instant screening.

CHIPPING SPARROW IN CT, 2015

Development of the NDDB Portal

Currently at Testing Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Business Issues	Business Requirements	Design	Construction	Testing	Implementation	Post Implementation

GOAL 10: INCREASE EFFICIENCY OF GRANT ADMINISTRATION

DEEP administers over 500 contracts each year, including outgoing grants and contracts for services. We are contemplating a range of process improvements related to grant administration and contracting, as well as better ways to track our results. The goal is to reduce the amount of time it takes to arrive at an executed contract.

The next report will provide data on the average processing timeframe for contracts and the steps underway to improve efficiency.

GOAL 11: AGENCY-WIDE SUCCESSION PLANNING

Your input will be important in this planning.

We will send an invitation to a stakeholder meeting in November 2019 to address how attrition may impact the agency and what we are doing to manage this transition.

DEEP faces increased levels of attrition over the next few years that will reshape the agency, with **as much as 40 percent of our workforce eligible to retire by 2022.** To help ensure we continue to deliver on our mission, we are evaluating the impacts of attrition on our programs, resource needs, and have established an internal working group assigned to provide recommendations for managing this transition.

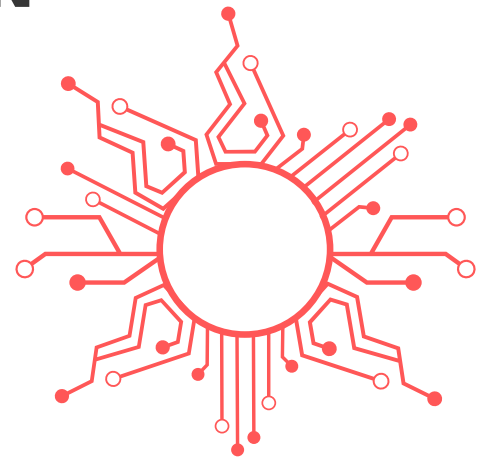# GOAL 12: ESTABLISH PERMITTING CONCIERGE FUNCTION

Good communication is important throughout the permitting process. We are implementing a "concierge" approach to working with applicants, including the expectation that staff follow up on questions within 48 hours, and ensuring that every applicant knows their primary point of contact at DEEP. When things don't go as expected, our Permitting Ombudsman's Office will research the issues and help things get back on track.

60 percent of applicants who responded to the survey *after a permit is issued report being "satisfied" with the process. We want to see this number improve.*

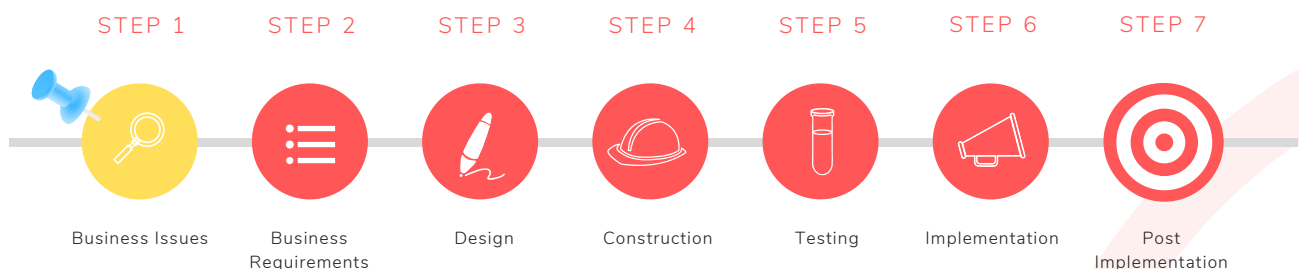# GOAL 13: ACCELERATE E-GOVERNANCE INTEGRATION

Technology can create easier processes (permitting and otherwise) and enable re-allocation of staff resources. We must invest our IT resources in high-impact e-governance initiatives that create more efficient regulatory processes.

Two current priorities are the expansion of the ezFile system for permitting to ten or more additional programs, and implementation of the Case Management System for spills/emergency response, remediation and other enforcement programs including inspections.
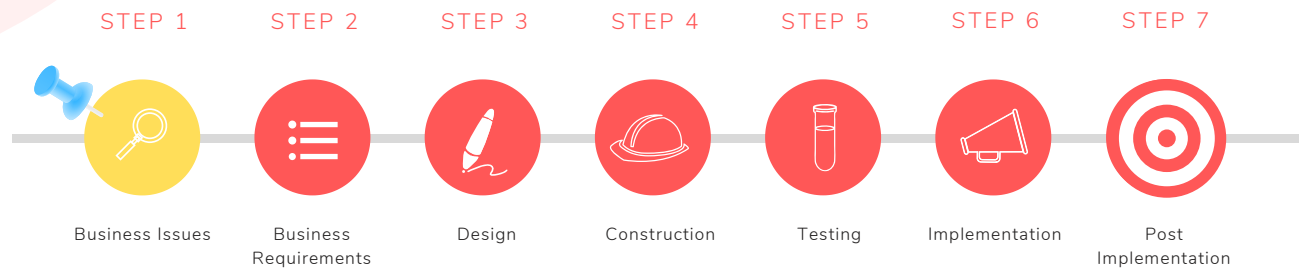
Implementation of Case Management System

Currently at Business Issues Stage

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Business Issues	Business Requirements	Design	Construction	Testing	Implementation	Post Implementation

Expansion of ezFile System

Currently at Business Issues Stage

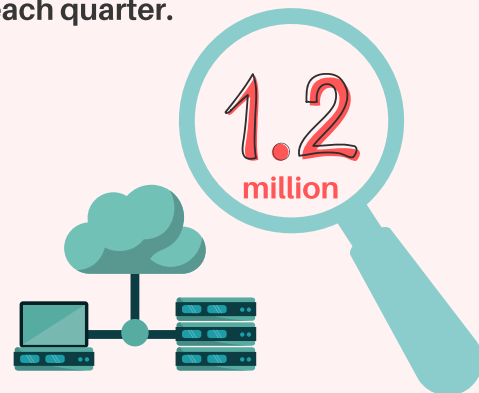| STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Business Issues	Business Requirements	Design	Construction	Testing	Implementation	Post Implementation

GOAL 14: ENHANCE DATA TRANSPARENCY

Businesses, academics, and members of the public need greater access to the information we collect for research, planning, and accountability. **We are tackling this challenge by digitizing files and making them freely accessible to the public, thereby decreasing staff time focused on managing data requests.**

This past quarter, DEEP completed scanning and uploading hazardous waste manifests – **over 1 million in total, and made them available on the DEEP Document Online Search Portal.** Hazardous waste manifests are a prime source of information regarding environmental conditions when certain real properties and businesses are transferred and can be particularly helpful in determining Property Transfer Program applicability.

Having these documents online increases the convenience for the public to access these records in order to facilitate real estate transactions, environmental compliance reviews and due-diligence searches, saving businesses and DEEP both time and money.

In total, **1,161,644** documents are available digitally in the DEEP Document Online Search Portal, a number we expect to increase each quarter.

1.2 million

DEEP also has added 5 data sets available through the statewide Open Data initiative for a **total of 20 data sets.**

GOAL 15: DEVELOP PREDICTABLE REGULATION ADOPTION TIMELINE

Stakeholders should know when key milestones for regulation adoption will be completed. DEEP is creating a web-page with a comprehensive list of regulations either in the approval process, or under development. This page will go live by the end of 2019.

9/24/19 - Approved by Legislative Regulation Review Committee (LRRC)

6 Pending Regulations

in the e-Regs system

Definition of Emergency/ Emergency Engine (Air)

Control of Carbon Dioxide Emissions

Remediation Standard Regulations

Environmental Use Restriction Regulations

Fisheries - Dual Landings

Wildlife Regulations

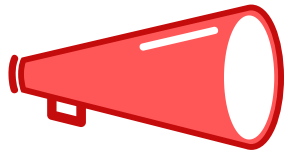# In total, more than 20 regulations

are under development.

GOAL 16: INCREASE STAKEHOLDER ENGAGEMENT IN PROCESS IMPROVEMENT EFFORTS

This goal cuts across every other goal in this initiative and all of our work. From large forums like the **CBIA E2 Conference** and the **Hazardous and Solid Waste Advisory Committees** to focused stakeholder events like our recent **Climate Forum**, we are looking for **opportunities for dialogue** regarding 20BY20 priorities and other aspects of our work.

We have been thrilled with the level of feedback we have received on this initiative, including **66 suggestions** for goals 17-20!

To receive updates on opportunities for stakeholder participation in 20BY20 initiatives, please register for our email list at www.ct.gov/DEEP/20BY20

ANNOUNCING

GOALS 17 ➙ 20

We received an outpouring of excellent suggestions for the final four goals.

After much careful consideration, we selected the following four:

GOAL 17: INCREASE THE TRANSPARENCY OF ENVIRONMENTAL ENFORCEMENT ACTIVITIES

As DEEP looks towards more efficiency in its permitting processes, we must ensure robust and effective environmental compliance monitoring and enforcement.

This includes making more enforcement information easily available to the public, so that they can better understand the activities that may have an environmental impact on their communities.

GOAL 18: SEEK OPPORTUNITIES FOR INNOVATIVE PARTNERSHIPS TO ENHANCE SERVICES

We will consider new opportunities to leverage partnerships to enhance our work.

GOAL 19: ENHANCE USE AND EASE OF FINANCIAL ASSURANCE MECHANISMS AS PART OF PERMITTING AND ENFORCEMENT

Financial assurance mechanisms should be robust and clear to ensure performance and compliance with permits and orders, while ensuring consistency and predictability for regulated entities.

GOAL 20: ADOPT SPILL-REPORTING REGULATIONS

Spill reporting regulations will ensure clear and concise spill-reporting standards pertaining to future spills of substances based on reportable quantities.

Future Quarterly Reports

What to expect in coming reports

We are committed to achieving these 20 goals by the end of 2020. As you may have noticed, our first quarterly report establishes the starting point or baselines for the 16 previously announced goals and unveiled the last 4 goals developed by the public.

We expect future reports to illustrate the progress of this initiative, highlighting **where we are** in terms of each goal compared to **where we were** last quarter. We look forward to sharing future results with you in the coming months.

Future Report Releases

January 2020

April 2020

July 2020

October 2020

January 2021

Report Design: Rose Croog

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