Environmental Permitting: Improved Practices and Systems of State Environmental Agencies

Kelly Poole

November 15, 2018
AAPCA 2018 Fall Conference
Raleigh, NC

What is ECOS?

ECOS is the national nonprofit, nonpartisan association of state and territorial environmental agency leaders.

ECOS strives to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment.

Background

2006 – *Working Smart for Environmental Protection: Improving State Agency Processes with Lean [and] Six Sigma*, U.S. EPA & ECOS

2017 –*Streamlining Permitting: An Inventory of State Environmental Agency Online Tools and Resources*, ECOS

2018 – *A Framework of Sample Metrics for Evaluating the Efficiency and Effectiveness of Environmental Permitting Systems*, E-Enterprise e-Permitting Team

2018 - *Environmental Permitting: Practices and Systems of State Environmental Agencies*, ECOS Green Report
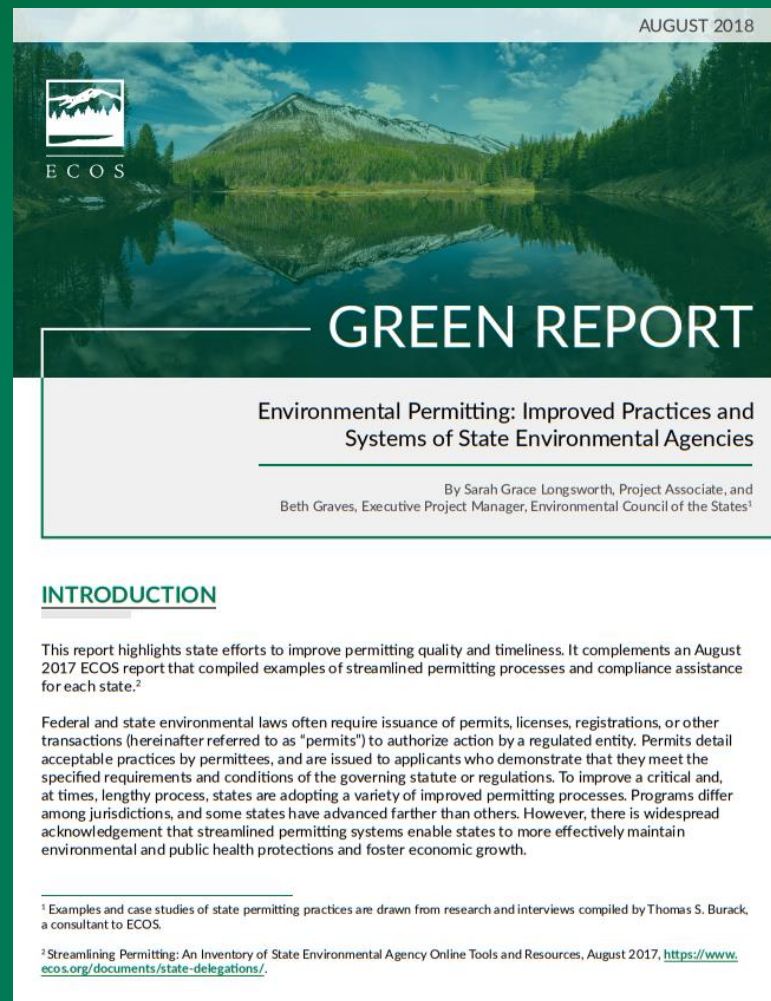

E-ENTERPRISE for the environment

Modernizing the business of environmental protection

ECOS Green Report: Environmental Permitting: Improved Practices and Systems of State Environmental Agencies

Sate efficiency practices

- Expediting permit processing
- Converting paper to electronic
- Handling of inaccurate or incomplete applications
- Guides, Fact Sheets, and "Wizards"
- Application Assistance

AUGUST 2018

ECOS

GREEN REPORT

Environmental Permitting: Improved Practices and Systems of State Environmental Agencies

By Sarah Grace Longsworth, Project Associate, and Beth Graves, Executive Project Manager, Environmental Council of the States[1]

INTRODUCTION

This report highlights state efforts to improve permitting quality and timeliness. It complements an August 2017 ECOS report that compiled examples of streamlined permitting processes and compliance assistance for each state.[2]

Federal and state environmental laws often require issuance of permits, licenses, registrations, or other transactions (hereinafter referred to as "permits") to authorize action by a regulated entity. Permits detail acceptable practices by permittees, and are issued to applicants who demonstrate that they meet the specified requirements and conditions of the governing statute or regulations. To improve a critical and, at times, lengthy process, states are adopting a variety of improved permitting processes. Programs differ among jurisdictions, and some states have advanced farther than others. However, there is widespread acknowledgement that streamlined permitting systems enable states to more effectively maintain environmental and public health protections and foster economic growth.

[1] Examples and case studies of state permitting practices are drawn from research and interviews compiled by Thomas S. Burack, a consultant to ECOS.

[2] Streamlining Permitting: An Inventory of State Environmental Agency Online Tools and Resources, August 2017, https://www.ecos.org/documents/state-delegations/.

Arizona Department of Environmental Quality

- Lean events focus on continuous improvements
- 97% of all air permits are completed in 180 days or less
- User friendly electronic interface

Sources:
State website: https://azdeq.gov/permits
ECOS Green Report – 2018
ECOS Green Report – 2017

North Carolina Department of Environmental Quality

Expedited Permitting Options

- Minor Modifications - Title V permittees may make changes to their facility prior to receiving a revised permit if certain conditions are met.

- Intent to Construct – upon receipt of a letter of approval – within 15 days of application - a facility with an existing air quality permit can begin certain types of construction before the final permit is issued.

Sources:
State website:
https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting
ECOS Green Report – 2018
ECOS Green Report – 2017

Louisiana Department of Environmental Quality

Louisiana Department of Environmental Quality

- Interested applicants may reimburse LADEQ for cost incurred by staff that work overtime to expedite a permit.

- Although not needed to date, LADEQ may hire contractors to perform work as necessary.

Sources:
State website:
https://deq.louisiana.gov/page/expedited-permit-program
ECOS Green Report – 2018
ECOS Green Report – 2017

Nebraska Department of Environmental Quality

General Permits

- Categorical Decision-making program
- 1 – 7 day turnaround
- Used for simple, universal processes

Online Resources

- Guidance on types of permits, issuance timelines, staff contact information, and online applications for select permits

Sources:
State website:
http://deq.ne.gov/Publica.nsf/pages/AIR087
ECOS Green Report – 2018
ECOS Green Report – 2017

Utah Department of Environmental Quality

Energy Development,
Single Point Review

To fast-track the process UT uses:

- enhanced interagency communication,
- permit tracking, and
- robust public input.

Sources:
State website:https://deq.utah.gov/permits/utah-energy-policy-proposal-energy-development
ECOS Green Report – 2018
ECOS Green Report – 2017

Other State Systems

Expediting the Process
- New Hampshire DES – Emergency and expedited permitting processes
- Massachusetts DEP – Fast Track Permitting Program

Converting Paper to Electronic
- Hawaii EHA - e-Permitting Portal
- Minnesota PCA - e-Services Website
- Colorado DPHE – Colorado Environmental Online Services
- MA DEP – Environmental Information and Public Access System
- WY - IMPACT

Handling Incomplete or Inaccurate Permit Applications
- Texas CEQ – Enhanced Administrative Review

Permitting Guides
- Maryland DE – "Four Easy Steps" guide and "Twenty Questions" guide
- South Carolina DHEC – Permit Central wizard

Source: _Environmental Permitting: Improved Practices and Systems of State Environmental Agencies,_ ECOS Green Report, 2018.

Thank you!

Kelly Poole
kpoole@ecos.org
202-266-4939
www.ecos.org