

PERMIT EFFICIENCY REVIEW TASK FORCE

The Permit Efficiency Review Task Force issued its Final Report on August 7, 2008. The Department published a report of the February 2009 Status and Action Items. Progress has been made on implementation of a number of the recommendations and the status is updated in the spreadsheet below, however, the Department would like to highlight the following successes reported as of July 23, 2009:

Technology: 1.2 The Bureau of Water Allocation implemented an electronic water use and transfer reporting program. Requiring the electronic submittal of water use and transfer data will facilitate data management by the program, eliminate the use of paper forms, reduce data errors, improve tracking and reporting of the data by the Department, and make data available in a more timely fashion. The initiative is currently being implemented on a voluntary basis but will become mandatory in the next reporting quarter. 675 submissions had been received to the new Water Allocation electronic reporting service in the first quarter of operation as of June 18, 2009 and by July 23, 2009 all of the First Quarter Water Utilization Forms have been filed via the new online reporting process. That is 100% compliance from over 250 water systems submitting Water Utilization Forms and about 95% compliance for quarterly diversion reports from over 770 allocation permittees! These are amazing statistics considering that this is the first quarter for a new online reporting process. So far 550 forms have been submitted on-line for the second quarter as well.

The Division of Land Use Regulation has developed a draft 5-year plan to develop and implement an e-portal for receipt of suitable permit applications. This plan will be presented on 6/24/09 to a small group of stakeholders for their comment. The comments will be used to produce a second draft which will be presented to the Department's IT contractor on 7/7/09. The comments will be used to develop a final plan and schedule design sessions. The DEP Land Use e-team has been selected, and comprises 14 people. This represents a real commitment to the project's success.

1.5 Volunteer Monitoring Data System Now Available - With the addition of mapping capabilities through NJ GeoWeb, a comprehensive Electronic Volunteer Monitoring Data System is now available for use by DEP staff as well as the public. Through this system, volunteer and AmeriCorps water monitoring data are available via Data Miner, NJ GeoWeb and E2. Currently, there are over 40 projects and thousands of water monitoring sites in E2. The types of data available include: land use information, pipes and ditches entering into a water body, chemical and physical data, as well as biological and habitat data. All data in the system has a quality assurance plan and is of a known quality. As such, some of the data can be used by DEP for regulatory purposes, such as the Integrated List, while other information can be used as a screening tool. This system was developed as a public user-friendly tool that would also assist watershed associations and other DEP partners with the sharing and management of their data. Volunteer and AmeriCorps collected data and their quality assurance plans are available via Data Miner at: <http://www.nj.gov/dep/opra/online.html>. Volunteer and AmeriCorps-collected data are now also available through the NJ GeoWeb located at <http://www.nj.gov/dep/gis/geoweb splash.htm>.

Resource Management: 7.6 As of May 4, 2009, DEP became the first state agency to deploy a new Learning Management System tool for improving the administration and tracking of all training, both instructor-led and online courses. Through this system DEP can also capitalize on DEP-specific content to develop online courses with content assessments. This will prove valuable to determine learning vs. attendance at training. As the first agency to deploy this system, DEP piloted the first HRDI-developed online course "The New Jersey State Policy Prohibiting Discrimination in the Workplace". This course is to be completed by all employees by July 31, 2009. As of June 16th nearly one-third of employees have already successfully completed this training. Additional content is being added by HRDI and the C&E program is already using the system to track its Core Inspectors training curriculum.

7.7 On May 12, 2009 the Department announced that Dr. Gary Buchanan was appointed manager of the Office of Science. Most recently he served as Chief of the Bureau of Natural Resources in the Division of Science, Research and Technology. As such, the reorganization maintained his exceptional technical expertise, experience and management qualifications at OS.

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Standard Setting: 11.1 On June 23, 2009 the Department released an announcement to solicit nominations for scientists interested either in serving on the Science Advisory Board or the standing committees. Comprising up to 12 members, the Science Advisory Board will, at the Commissioner's request, provide independent peer review and advice on scientific and technical issues associated with protecting public health, the environment and New Jersey's natural resources. The Commissioner will appoint the Science Advisory Board members as well as up to 12 people for each of four standing committees: Ecological Processes, Public Health, Water Quality and Quantity, and Climate and Atmospheric Sciences. Additional information and nomination forms can be found on the DEP's Web site <http://www.nj.gov/dep/sab/>.

Implementation of Task Force Recommendations: 14.1, 17.1, 19.1 The Division of Land Use Regulation will hold a Land Use PETF subgroup meeting, scheduled for June 24, 2009. PETF member Tony DiLodovico, Michael Gross and others representing the regulated community will discuss application checklists and e-permitting.

Land Use Management Recommendations – Internal Permit Application Process: The Wetlands Mitigation Council acted at the April 7, 2009 meeting to streamline the process for operations effective immediately. Application materials and Council mailings will be distributed electronically to the Council members to the maximum extent practical. All meetings will be held at the DEP, no longer at various locations around the State. There will be no more hard copy mailings to announce meetings. Meetings will continue to be public noticed as before in accordance with the Sunshine Law to notice the date of the meeting and agenda via the DEP's web site and electronic mailing list.

Water Quality Recommendations: 31.1 NJPDES rules Electronic Submissions on electronic submissions, published in the NJR on January 5, 2009, include specific provisions concerning the existing program of the electronic submission of monitoring report forms through the NJPDES Electronic Data Interchange (EDI) Program. They also include provisions that will allow applicants, permittees and other interested persons in the future to submit applications, reports, and other information electronically, with the Department's consent and in the manner prescribed by the Department, via the Department's web portal, as the Department develops the capability to accept those submissions electronically.

Dental Amalgam - ePortal enhancements were completed in February 2009 to improve the ability for Dental Waste generators to register online and submit and update their compliance requirements online.

Stormwater Construction GP authorizations - ePortal enhancements are scheduled to be rolled out in summer 2009 that will give permittees the ability to apply for and obtain a NJPDES permit authorization online for the Stormwater Construction General Permit.

33.1 The department intends to install a gage at the confluence of the Passaic and Pompton Rivers approximately 500 ft downstream of the NJDWSC Two Bridges Intake. It is being installed at the location of an existing USGS water quality gage. We anticipate the installation to occur in late July or early August.

36.5 The Governor has extended the expiration of the Storm Water Management Rules until February 2, 2010. Given the short time frame the Department is anticipating proposing a limited number of changes to the rule. The Division of Water Quality intends to meet with stakeholders, as a follow-up to the stakeholder meeting that was held on February 15, 2008, to present the Department's anticipated changes.

36.6 The Division of Water Quality has begun implementation of a pilot project approved by the Commissioner to identify where duplication of storm water management reviews could be eliminated.

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#	Recommendation	Ongoing or Done	< 1 year	1-3 years	4+ years	Resources Needed	Lead	Staff Resources Needed to Implement	Necessary Changes	February 2009 Status and Action Items and Subsequent Updates
Technology										
1.1	Migrate to electronic submission and processing of permit applications and associated reporting. Such e-permitting will require upgrading IT infrastructure, including networks, wiring, routers and other hardware.	X	X	X	X	\$\$\$\$	OIRM	High	TC	<p>1) Completed. DEP is committed to upgrading its IT infrastructure to support electronic submission and processing of permit applications and associated reports. Identified known IT infrastructure changes necessary to support rapid development of ePermit services recommended in 1.2 and enterprise document management recommended in 12.2. Infrastructure upgrades needed include servers, wiring, storage, consulting and for some changes NJOIT services. 2) In progress. Initial work to upgrade network switches started. Expenditure for upgrade to building wiring for Land Use Permitting staff in the 501 East State Street to allow for faster data transmission and traffic between the 501 location and data servers at the 401 data center approved, working with vendor to schedule work. Evaluating use of domain based Distributed File System (DFS) to replicate the NJEMS application to remote locations eliminating possible down time due to local server outages and enhance performance for users in field locations. Evaluating upgrade to data lines from field offices to 401 data center to improve performance in Toms River and Leeds Point. 3) In progress. Increasing network bandwidth between 401 and HUB to improve performance of ePermitting services for regulated entities. Submitted purchase request to replace eNJEMS servers for improved ePermitting submission and to insure hardware can support additional submission services, waiting for approval to purchase. Submitted purchase requests for network ports, servers and storage waiting for approval to purchase. Next Step: Meet with Programs to identify other areas for upgrade including specific areas of network performance issues (e.g. 3 floor west wing water supply permitting programs). Evaluate tools or services for database and network monitoring to pinpoint problem areas and determine appropriate solutions. Install/implement above mentioned upgrades.</p>
1.2	Develop and implement an e-portal for receipt of suitable applications. Build e-portal so that applications cannot be submitted unless project critical information is included.	X	X	X	X	\$\$\$\$	OIRM	High	RC, TC	<p>1) In progress. DEP will accelerate efforts to design and develop ePermitting/eReporting services. While this requires dedicating program staff for 6-12 months to ensure the business solution developed meets the business need, it is a recognized "hit" to permit processing necessary for the long-term efficiency gain. This work includes design, development, and deployment of custom software to provide ePermitting and eReporting services. Note new services require IT infrastructure upgrades identified in recommendation 1.1 and in some cases program statute and rule changes may be necessary before new services can be built. 2) In progress: Several new electronic services have been developed. WQ - Dental electronic registration/reporting is now online. Stormwater permits will go online Summer 2009. WS - Well Permitting and Water Allocation reporting will go online Spring 2009. Next Step: Work with programs to identify ePermitting priorities for additional services. Specifically identify a LURP permit program to implement ePermitting within the next 4 months.</p> <p>March 31, 2009 - WS In progress. The Bureau of Water Allocation</p>

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										<p>implemented an electronic water use and transfer reporting program. Requiring the electronic submittal of water use and transfer data will facilitate data management by the program, eliminate the use of paper forms, reduce data errors, improve tracking and reporting of the data by the Department, and make data available in a more timely fashion. The initiative is currently being implemented on a voluntary basis but will become mandatory in the next reporting quarter.</p> <p><u>June 18, 2009 Update</u> – 675 submissions have been received to the new Water Allocation electronic reporting service in the first quarter of operation.</p> <p><u>June 23, 2009 Update</u> – LUR In progress. A draft 5-year plan to fully implement this PETF recommendation will be presented on 6/24/09 to a small group of stakeholders for their comment. The comments will be used to produce a final plan, and begin design sessions. The DEP Land Use e-team has been selected, and comprises of 14 people. This is a major portion of the permit processing staff within the Division and represents a real commitment to the project's success</p> <p><u>July 23, 2009 Update</u> - All of the First Quarter Water Utilization Forms have been filed via the new online reporting process. That is <u>100% compliance</u> from over 250 water systems submitting Water Utilization Forms and about 95% compliance for quarterly diversion reports from over 770 allocation permittees! These are amazing statistics considering that this is the first quarter for a new online reporting process. So far 550 forms have been submitted on-line for the second quarter as well.</p>
1.3	Accept email communication between the DEP staff and the applicants, agents or both as the formal record of correspondence for permit applications.	X	X			\$	OIRM/One Stop Directors	Low	PC, TC	<p>Completed. This recommendation has/is being implemented by the Division of Water Supply and the Division of Land Use Regulation. Both Divisions currently accept email as appropriate, formal, and binding communication between applicants and permit review staff. Staff will, as appropriate, telephone applicant or consultant to advise of minor 'pieces' of the application or fee that may be needed so as to not delay review of the project. Care will need to be taken to ensure that email communication becomes part of the application file for FOIA/OPRA requests. To automate email search and retrieval, the Department needs to upgrade its email, electronic storage and retrieval capabilities. Some of these capabilities go beyond what seems to be recommended by PETF but we hope to implement to satisfy eDiscovery legal requirements. These upgrades will also help to implement this recommendation. Next Step: OIRM will raise to One Stop Directors to evaluate implementation Department-wide. OIRM will continue to work on upgrades mentioned above including migration to MS Exchange, purchase of increased electronic storage and purchase of email archiving/search and retrieval software.</p>
1.4	Designate as mandatory the electronic submission of the suitable applications. Utilize a phased-in schedule to allow applicants to adjust to this new requirement.	X	X	X	X	\$	OIRM	Moderate	RC	<p>In progress. DEP is accelerating development of online services. Please see 1.2 for additional detail. DEP has draft generic rule language allowing for required electronic submittal to be phased in as a new service becomes available and will include language in rule changes where appropriate. Next Step: Work with the programs to identify ePermitting/eSubmittal priorities and include rule changes for required electronic submittal where appropriate.</p>

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1.5	Expand Geographic Information System tools for the screening of proposed projects for environmental constraints. Expand Computer Assisted Drawing (CAD) tools in order to review electronic submission of plans.	X		X		\$\$\$	OIRM	Moderate	TC	<p>In progress. DEP will expedite NJ GeoWeb tool development to address GIS mapping needs at the permit writer's desk as well as with stakeholders via the web. This will provide the applicant and DEP with more information upfront in the permit process, help to identify environmental areas of concern that may impact the project and facilitate dialogue between the applicant and DEP. DEP will evaluate and implement appropriate technical solution for CAD, some existing software tools such as ArcView and Highview provide viewing capability and may fulfill program needs. Next Step: Release NJ GeoWeb Spring 2009. Release eNJEMS link to NJ GeoWeb Spring 2009 for Well ePermitting. This will identify areas of concern to the permit applicant when they select proposed well location and allow applicant to select a new location and/or review well construction requirements before submitting the permit application. DEP will continue to build new ePermitting services with link to NJ GeoWeb to provide similar functionality. Meet with the programs to understand CAD needs, evaluate and select appropriate tools, purchase if necessary.</p> <p>April 20, 2009 Update - Volunteer Monitoring Data System Now Available - With the addition of mapping capabilities through NJ GeoWeb, a comprehensive Electronic Volunteer Monitoring Data System is now available for use by DEP staff as well as the public. Through this system, volunteer and AmeriCorps water monitoring data are available via Data Miner, NJ GeoWeb and E2. Currently, there are over 40 projects and thousands of water monitoring sites in E2. The types of data available include: land use information, pipes and ditches entering into a water body, chemical and physical data, as well as biological and habitat data. All data in the system has a quality assurance plan and is of a known quality. As such, some of the data can be used by DEP for regulatory purposes, such as the Integrated List, while other information can be used as a screening tool.</p> <p>This system was developed as a public user-friendly tool that would also assist watershed associations and other DEP partners with the sharing and management of their data. Volunteer and AmeriCorps collected data and their quality assurance plans are available via Data Miner at: http://www.nj.gov/dep/opra/online.html. Volunteer and AmeriCorps-collected data are now also available through the NJ GeoWeb located at http://www.nj.gov/dep/gis/geoweb splash.htm.</p>
1.6	Facilitate upgrading of computers to keep up with industry standards to allow permitting staff to view GIS data and CAD designs and run other appropriate programs.	X	X			\$\$\$	OIRM	Low	TC	<p>Completed. DEP was able to purchase and deploy over 800 new PCs late 2008. Next Step: Work with programs to identify additional PC and peripheral upgrade/replacement needs, purchase and deploy.</p>

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1.7	Digitize all maps and data on GIS to ease access for the regulated community and DEP staff.	X		X		\$\$\$\$	OIRM	Moderate	TC	In progress. Development of Land Use/Land Cover 2007, Hydrography, LiDAR, and Parcel Data. All of these GIS data sets will facilitate permit program review and provide more information to regulated community upfront during site selection. Worked with Land Use Regulation, including Tidelands, to identify all the historic frames and maps of photography (estimated at 120,000 @ \$20 each), historic maps for SAV, 1972 wetlands lines and screened images, critical wildlife maps, oyster maps, erosion maps and current wetlands lines from consultants and from DEP staff on site. Program staff needed for analysis, design, development and testing to ensure solution meets business need especially for automated field data capture, processing and integration with existing DEP data. Next Steps: Meet with all permit programs to understand data needs and user capabilities to prioritize data and tools development, obtain vendor services.
1.8	Enable staff to remotely access DEP data systems from the project sites via wireless laptop computers and provide them with appropriate GPS mapping tools.	X		X		\$\$	OIRM	Low	TC	In progress. This recommendation requires expansion of existing DEP and OIT IT infrastructure to allow additional DEP staff to access enterprise data systems remotely. We estimate a need to support 100 new concurrent users. DEP has submitted purchase requests for upgraded hardware. Next Step: DEP will need to purchase additional software licenses, laptops and air cards. Meet with the programs to understand GIS data capture needs in the field and purchase appropriate GPS hardware. Training program for staff on the use of the GPS hardware and software will also be necessary.
1.9	Since migration to e-permitting will require a training component, ensure adequate training for all staff implementing the e-permitting tools.	X	X	X		\$	Programs/OIRM	Moderate	NC	Completed and ongoing. Training is created for each ePermitting service rolled out for both internal and external stakeholders. Individual programs have been the leads on the development of the training material. Next Step: DLUR concurs that training is needed to implement e-permitting and will continue to partner with OIRM to deliver staff training.
2.1	Dedicate IT technical staff within each program to maintain and enhance systems and to take on specific technology work tasks so that staff knowledgeable of internal processes can make needed process improvements, allowing permit review staff to concentrate on permit reviews.	X		X		\$	M&B/OIRM/One Stop Directors	High	PC	1) In progress. As funding becomes available for initiatives, the appropriate number and skill level of staff members will be engaged in implementing the IT upgrades. DEP recognizes that the 'investment' of program staff to develop business solutions and implement the recommendations will take them off the permit assembly line and will temporarily increase the permit backlog and increase the review time for permits, but that this investment will lead to greater efficiencies in the future. Overall dedicated IT coordinators for each program are very important. Next Step: Continue procurement process for IT upgrades, assign staff to design and implement and train as those procurements occur. Notify applicant community when review time will increase and the reason/benefit therefore. Next Step: Need to ensure that program IT staff work closely with OIRM so we do not start to create stand-alone systems that can't communicate with each other. 2) To be evaluated. Additionally, HR and OIRM, in conjunction with Civil Service Commission, need to identify appropriate IT titles and career path for these individuals. If using current staff not in IT titles, work with Civil Service Commission for rule relaxations, so staff can be deemed eligible and be admitted to promotional exam process, in order to become permanent in titles.

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3.1	Consolidate permit application databases by importing relevant historical data into the current data management system, NJEMS, thereby eliminating redundant searches and incomplete information searches. Identify how applicants might be able to provide relevant historical permit data to reduce the burden by DEP staff to search databases.	X			X	\$\$\$\$	Programs/OIRM	Moderate	TC	In progress. This will require data conversion effort that necessitate the need for program staff and consulting effort, due to the quality and completeness of the historic data. As previous data conversion efforts have shown to be incredibly staff time intensive, DEP will also evaluate reports that draw from both data sources to make information lookups easier. WS - Well Permitting has decided that direct data input will be ultimately more efficient than hiring a consultant to migrate data electronically, since any migration efforts will require individual record checks and manual entry of some data fields. To date, approximately 400,000 well permits and decommissioning reports have been entered. Next Step: Well permitting staff moving forward with data entry of over 300,000 records. Expected to require several years. Next Step: DLUR will work with OIRM to evaluate data migration vs. report generation options to implement the most efficient approach.
Rulemaking										
4.1	When the DEP intends for the regulated community to be bound by implementation tools, such tools must be subject to public notice and comment before becoming effective.	X	X			\$	DLUR/WS	Moderate	NC	In progress. The Department is attempting to generate technical manuals and guidance documents that accompany rule proposals and that will be completed and have undergone peer review at the time that the new rules are adopted. In order to accomplish this, the Department will solicit technical assistance from consultants, the regulated public and peers. Next Step: DLUR- Implementation in effect. FHA Technical Manual has been completed and is under public comment period. Next Step: WS- Water Allocation rule proposal anticipated in August 2009 and intends to offer a guidance document/technical manual for review concurrent with the rule proposal. The WS Safe Yield Guidance Document has undergone peer review (several stakeholder workgroup meetings held in 2008) and comments are currently being evaluated. The document is expected to be available for outside use in 2009. The Safe Drinking Water rules are being proposed in November 2009. Note: NJGS is currently updating GSR29 that provides guidance on the performance of hydrological evaluations.
4.2	Involve stakeholders in the development of significant new implementation tools.	X	X			\$	DLUR/WS	Moderate	NC	In progress. The Department is committed to soliciting technical assistance from consultants, the regulated public, and peers when producing implementation tools. The DEP will continue to meet with Constituent Groups and involve stakeholders in design and development of new tools. DLUR - Implementation in effect. The FHA Technical Manual was created in collaboration with consultants, the regulated public and peers and is currently under public review. Next Step: DLUR intends to implement this suggestion in part by requesting PETF members meet with DLUR periodically. These meetings will provided an opportunity to receive feedback on how we can do a better job of enhancing stakeholder involvement.
4.3	Ensure that rule writers closely interact with permit review staff to fully understand the ramifications and implementation logistics of all new and amended rules so the new rules can be written in a manner that ensures consistent interpretations among permit reviewers and facilitates implementation.	X				\$	Programs	Low	PC	In progress. This practice has informally taken place although inconsistently, but in an effort to address the concern and to be more intentional and thorough, interim rule decisions, especially those that affect multiple programs, are being vetted across Bureau/Division lines at the Senior Management level. Next Step: The Dept. will review and update its rule writing procedure and formalize a process to include written sign-off from managers of affected programs to assure conformance. LUM lead with OLA.

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4.4	Review and evaluate the existing process that addresses internal and external rule implementation to make sure it works for all DEP units affected by any proposed rule change, particularly those tasked with writing permits and who interact with the applicants.	X				\$	Programs	Low	PC	Same as 4.3
4.5	When a rule is proposed as a requirement of new law, ensure that DEP is allocated the resources to implement the statutory directives based upon a DEP projection of staff resources necessary to implement the rule.	X	X			\$	Programs	Low	PC	In progress. For current rules the Department assesses and collects fees generally adequate to cover the necessary staff positions, but is not able to hire (or even retain) staff due to FTE limitations and other constraints; nor can appropriate people be promoted to positions required to supervise or manage programs as senior staff retire or leave. Many staff are 'acting' in expanded roles without being promoted into them. WS Examples include well permitting fees which were developed to include costs for additional staff to support education and outreach. Approval to hire was never provided, although the fees have been assessed and collected, consistent with the schedule. Next Step: 1) Request PETF assistance with Legislature to implement this recommendation. 2) Ensure that fiscal notes prepared in response to a bill proposal completely define the workload impact and covers the anticipated number of FTE's and fringe and indirect costs needed to implement the new law. 3) Develop rules that allow for streamlined fee changes.
5.1	Identify opportunities to use methods such as advanced notices of proposed rulemaking and interested party review to provide the public with earlier notice of rule proposals and an opportunity to comment before rule proposals are formalized and published.	X				\$	Programs	Low	NC	Completed and ongoing. 1) Stakeholder input is frequently used to address substantial issues prior to rule proposal. On the DEP's Rules & Regulations web site there is a link to notices of "Informal Pre- Proposal Comment Opportunities" under the heading of Public Involvement . See http://www.nj.gov/dep/rules/ . The notice provides a description of the anticipated rules to be changed and the timeframe and mailing address for submission of written comments. The notice also identifies the time and location of the informal public meeting to be held to take verbal comments. In order to incorporate productive comments the informal comment opportunity is scheduled well in advance of the rulemaking calendar. In 2007 all programs were directed by the Commissioner to utilize the informal comment opportunity and stakeholder outreach. 2) WS- Water Allocation rule proposal anticipated in August 2009 and the Safe Drinking Water rule proposal is anticipated for November 2009. A large stakeholder meeting was held at Edison College on both rules in December 2008. Overviews of both of these rules was presented last year at the American Water Works Association conference in Atlantic City and will be made again at this year's AWWA conference to be held in Atlantic City March 31-April 3, 2009. Seven other presentations on the Safe Drinking Water rule proposal were made as part of other meetings, including a 2-day continuing education course at Rutgers University, three Ground Water rule training sessions, two Health Officers training sessions and one presentation as part of a Health Officers Association meeting. 3) See status of 4.1 and 34.1 for other examples of proactive advance outreach efforts on rule and technical manual development process. 4) At any time the public can send written suggestions for rule changes to the program Director and ask they be considered for future amendment proposal. Next Step: Continue use of informal pre-proposal announcements, conduct stakeholder meetings and presentations.

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5.2	Identify opportunities to formulate stakeholder advisory committees to flesh out options and recommendations related to complicated and highly contested rule proposals, including broader public notice and comment opportunities, and provide them to DEP for consideration in the formal rulemaking process.	X				\$	Programs	Moderate	SC	Completed and ongoing. Stakeholder input is frequently used to address substantial issues prior to rule proposal. The need to formulate a stakeholder advisory committee is determined on a case-by-case basis. The recommendation for broader public comment opportunities is addressed at 5.1 and 34.1. The Department will continue to use stakeholders as a sounding board. Note: Proposed bill A3624 (Chiusano/McHose) - Establishes in DEP the Environmental Science Review Board and Environmental Policy Review Board to review proposed environmental regulations for consistency with planning policies and science. (S2452) Next Step: Continue utilizing stakeholder input prior to proposing a rule.
6.1	Consider a revision to the Administrative Procedures Act to simplify the rule making process for re-adoption without change, for minor amendments and for amendments required to satisfy a federal or similar mandate.			X		\$	Office of Legal Affairs	Moderate	PC	To be initiated. In lieu of revising the Administrative Procedures Act, senior management is committed to addressing this issue and streamlining the "re-adoption without change" process. The Department's Rule Writer's Information Committee (RWIC) must review SOP's with the Office of Legal Affairs and the Division of Law and identify steps or sections of text in rule re-adoptions that can be eliminated or condensed. Also, develop template language for as many sections as possible to eliminate rule-writing redundancy. Julia LeMense will telephone the Counselor to the Commissioner for an update on process streamlining that may already be implemented in other program's rule re-adoptions. Next Step: Task OLA to advise and initiate the requested streamlining. LUM lead with OLA/rulewriters.
Resource Management										
7.1	Supplement the DEP's Management and Budget online exit survey by conducting exit interviews with staff that leave DEP to get a better understanding of circumstances. Use the results of the survey and interview to evaluate workplace conditions in an effort to improve the overall work environment, to retain more staff and to improve staff morale.	X				\$	M&B	None	PC	In progress. An electronic exit survey is available for all staff leaving DEP employment. DEP uses Survey Monkey and the link is provided to employees prior to their departure. The offer to meet for an exit interview is also extended to departing employees. Completion of the survey is not mandatory, however, the Policy & Procedure covering separation from DEP is currently under revision. DEP's Diversity Officer, reporting to Assistant Commissioner Chaudhary, is responsible for evaluating and reporting out on the survey results. The last time this was done was shortly after the ERI in the summer of 08; results are monitored and reported quarterly. Reasons for low morale are well known, no promotions, many in acting titles, lack of raises for managers, difficulty in balancing resources and workload. Addressing those issues herein will improve morale. Next Step: Task DEP Management and Budget to complete P&P requiring exit survey be completed before separation is final and request that it be initiated Department wide in the interim. Solicit assistance from PETF to work on known causes of low morale. LUM and M&B follow-up.
7.2	Establish and implement comprehensive succession plans for each program, including a training schedule, to ensure a smooth transition of workloads as staff retire or leave DEP and to address potential staff shortfalls in a manner that is least disruptive to work outputs.	X		X		\$	Programs/M&B	Moderate	NC	In progress. 1) In February 2009 DEP's Office of Training noticed staff of the launch of a new web-based tool, a Learning Management System, designed to dramatically improve the way that DEP currently administers and tracks employee development needs, and the way that employees can access learning. The new system is being deployed to all state employees and DEP is the first agency to go live. Employees will be able to access all aspects of training at their desks/PC, saving time and providing immediate access to needed content sooner. No paper forms - submit a request electronically for a class in the catalog and your supervisor is automatically notified. Know exactly what training you need to take and by when. Supervisors will be able to prescribe training and track compliance. Online approval or denial of training requests supported with automated emails to the requesting employee. Instructors will be able to author online courses, deploy them to key groups or individuals, have the option of conducting knowledge assessments on competencies and track compliance. Instructors can also use the LMS for instructor-led training events to do

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										registrations and class management functions online. DHR, the Training Office, and supervisors will be able to have real data regarding competencies, training needs via a robust reporting feature. 2) HR has done an extensive analysis of leadership readiness across all AC program areas that has been recognized by the Commissioner and Senior Staff as a model for leadership succession planning. This has resulted in prioritized leadership training for the department. However, attrition is inevitable and managing institutional knowledge is also key to easing transitions and reducing future disruptions to work outputs. DEP's Training Advocate (OTA) is currently making presentations to all managers identifying employees who are eligible to retire within 3 years, thus allowing managers to see the future of their organizations; OTA is concurrently scheduling (first set is March 09; next set fall 09 the suite of supervisors and manager courses to at HRDI to prepare next generation for replacing retiring managers and supervisors. 3) Managers are working to identify a succession plan for each division based on the available pool of employees. Water Supply staffing shortfalls and redistribution of work is being assessed as part of the bureau work plan development process for DWS; also trying to address technical expertise losses (e.g. opportunities to partner with NJAWWA for treatment training) resulting from recent retirements. Next Step: Continue succession identification/planning.
7.3	Re-examine personnel policies and procedures to determine how to give program managers and senior staff flexibility in designating key staff for promotions; transferring critical resources to areas of the DEP significantly impacted by workload spikes; and allowing for the use of temporary work assignments based upon pairing up the complexity of a specific application with the skill set of a particular staff person.	X		X		\$	One Stop Directors/ M&B/ Programs	Moderate	PC	In progress. Cross training is used within programs and managers have successfully shifted resources in times of need. However, transferring employees across programs is difficult due to position title variants. Transferring employees is also currently not possible due to hiring restrictions. Promotions are limited to "priority programs" only. Note: In response to the American Recovery and Reinvestment Act and high volume of economic stimulus projects two staff members within DLUR have been re-assigned to work on priority DOT projects. Additionally, a DOT employee has been temporarily assigned to DLUR to work on these projects and act as liaison between Departments. WS staff reassignments to address shortfalls in critical areas has already been implemented (i.e. reassignment of administrative assistant from the Director's office to well permitting). Additional assessments are ongoing to address anticipated workload and staffing shortfalls to administer the American Recovery and Reinvestment Act stimulus package. DLUR Next Step: The Division has shifted staff internally to compensate for attrition and changing priorities, creating "acting" titles to fill in for supervisory gaps. The Division awaits the end of the promotional freezes.
7.4	Allow the fee supported programs to maintain a base full time equivalent (FTE) level through back filling of vacancies commensurate with fee revenue generated without having to go through the full approval process at DOP and the Governor's office. This will ensure continuity in staffing and outputs and will maintain DEP capacity to efficiently process permits.			X		\$	M&B	Low	PC	In Progress. DEP agrees that this recommendation is critical. In response to program's request for PETF assistance with M&B/Treasurer/Legislature/Civil Service Commission to implement this recommendation a subcommittee was formed at the March 4, 2009 implementation meeting to evaluate solutions to address this recommendation. Subcommittee to include Anthony DiLodovico, Richard Johnson, Ed Lloyd and Jeff Tittel.

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7.5	Hire and maintain full time clerical support so programs do not need to rely on temp agencies for support. While a good stopgap measure, use of temp agency staff requires frequent training that detracts from the work output of other staff.		X			\$	M&B	Low	PC	<p>To be initiated. 1) DEP agrees that this recommendation is critical. See comment to 7.4 above. 2) DEP's Human Resources can assist in recommending best use of support staff across permit programs. HR has already developed Core Skills for Support Staff, and continues to provide professional development opportunities to these staff. Depending upon permit program needs, HR can develop customized training to enhance support staff skills. Next Step: Work with HR and the Civil Service Commission to develop appropriate title specifications for current duties of clerical staff. LUM lead.</p>
7.6	Institute mandatory training programs, which, ideally, would be offered on site at DEP, if possible, for staff in the various permit areas to ensure that staff is kept abreast of the latest innovations in each program area and to ensure the proper and accurate application of rules.	X	X			\$	M&B/One Stop Directors/DLUR	Moderate	NC	<p>In progress. 1) There is already a training team available to DEP Managers. The DEP provides training in mandatory core workplace skills, information technology, health and safety, leadership, tools for supervisors and managers, professional development and certain technical courses funded by the DEP training budget and courses through the Human Resources Development Institute (HRDI). The DHR is committed to the development of core skills for all titles and to training that ensures competencies. The process of developing core skills needs to be an inclusive process and is how existing core skills for support staff and managers were developed. HR has assisted C&E who has developed core skills for C&E's inspectors. 2) The Human Resources web site has links to technical EPA online courses. Training Opportunities by Program Topic include Air, SRP and Watershed Management. 3) Needs for additional technical training or cross-training must be raised by DEP Managers to the training team in order that they may be developed/pursued. Historically, the DEP has held DEP University events in the Public Hearing room where any interested staff could come and see presentations on DEP programs and regulations. The staff member who coordinated the DEP University presentations with our Assistant Commissioners recently retired and that duty has not been transferred to another staff member. Next Step DLUR: provide in house opportunities for technical training. Next Step: Identify a new coordinator and these onsite DEP University training events should be reinstated and expanded into technical areas on a program by program basis. LUM lead. Next Step: Require staff to participate in appropriate technical training or cross training.</p> <p>June 18, 2009 Update – The value of continuing the DEP University was discussed at the April 16, 2009 One Stop Directors meeting. Bryan Ianni, the Assistant Commissioner Representative (AC Rep) for Environmental Regulation, will raise the need to find a new coordinator to the AC Rep team.</p> <p>M&B - As of May 4, 2009, DEP became the first state agency to deploy a new Learning Management System tool for improving the administration and tracking of all training, both instructor-led and online courses. Through this system DEP can also capitalize on DEP-specific content to develop online courses with content assessments. This will prove valuable to determine learning vs. attendance at training.</p> <p>As the first agency to deploy this system, DEP piloted the first HRDI-developed online course "The New Jersey State Policy Prohibiting Discrimination in the Workplace". This course is to be completed by all employees by July 31, 2009. As of June 16th nearly one-third of employees have already successfully completed this training. Additional content is being added by HRDI and the C&E program is already using the system to track its Core Inspectors training curriculum.</p>

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7.7	Monitor and analyze program work loads and staffing levels over time to assess permit application processing and reallocate staff accordingly to address shifting permit workloads and priorities.	X	X	X		\$	AC's	Low	PC	<p>In progress. In some cases, this analysis and shift in resources has occurred on a moderate scale. In response to the August 2008 Early Retirement Initiative, DEP's Senior Managers conducted an agency-wide program review initiative. For example the Division of Science, Research & Technology (DSRT) has become a scaled down version, the newly created Office of Science (OS) which will provide expertise to support the Science Advisory Board. Displaced DSRT staff are to be absorbed by permitting programs. In another case, stormwater review staff from Land Use Management and Environmental Regulation were consolidated under Environmental Regulation. Next Step: These efforts will continue at the discretion of the Commissioner and Senior Management. Use of variants in title series is an impediment as is the need for substantial cross training. DOP has been reviewing the issue of variants for years as part of 'title consolidation' but unions are reluctant to change the system as the number of people in a single title is a factor in promotional and RIF procedures. Also, the use of cash overtime is being explored / implemented in backlogged programs as most employees are not interested in receiving compensation time for performing overtime work. Next Step: 1) As part of the annual work planning and budget process programs should continue to conduct an evaluation and make appropriate readjustment of mandates, priorities, and fees. 2) Identify steps or activities that can be eliminated, outsourced or delegated to another party without risk of undermining mandated environmental protections. 3) Use risk assessments as evidence to push back on new initiatives that will yield little environmental benefit, but require significant resources.</p> <p>June 10, 2009 Update - On May 12, 2009 the Department announced that Dr. Gary Buchanan was appointed manager of the Office of Science. Most recently he served as Chief of the Bureau of Natural Resources in the Division of Science, Research and Technology. As such, the reorganization maintained his exceptional technical expertise, experience and management qualifications at OS.</p>
7.8	Establish permit goals for each permit program, such as the number of permits decisions made, and use this information in employee annual reviews to assess whether the goals have been achieved and to assess the causes or roadblocks for such achievement.	X	X			\$	One Stop Directors/ Programs	Low	NC	<p>Ongoing. Department has mandatory Performance Evaluation System (PES) and most permitting programs have work plans with set permit goals. Two challenges to overcome 1) Ensure correlation between PES and work plan; 2) Actual accountability is difficult as project priorities change frequently, permit submissions are not always in-line with work plans due to external factors, and staff time is usurped by non-measurable tasks such as file reviews, court preparation and appearances for appeals, enforcement coordination, administrative functions, information gathering, all off line from conducting and completing permit reviews. Loss of support staff and staffing losses have compressed those functions onto fewer staff making them a larger part of staff responsibility off the permit assembly line. Next Step: Continue to improve correlation between PES and work plan. Review annually during PES review and Division's work plan review, including ability to move staff fluidly from one task to another.</p> <p>June 18, 2009 Update - Recommendation was discussed at June 18, 2009 One Stop Directors meeting. The discussion reiterated the February 2009 status comments with regard to the non-measurable and external factors identified above and continued staff losses. Because of the non-measurable and external factors most permit programs did not believe it is fair to evaluate employee performance based on a target number of permit decisions. In some permitting areas, such as Air Pollution Control, supervisors do have the ability to meet with staff on a weekly basis to do so. In other program's PES, such as at DLUR, they have set target number</p>

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										of days for completion of certain review tasks. It was also suggested that managers must review program performance and the work plan target goals more frequently than annually, perhaps at least every 6-months.
7.9	Re-establish relationships with colleges and universities to assist those educational institutions in maintaining and enhancing their curricula in the fields utilized by the DEP, including, but not limited to, science, policy and management. This might enable the educational institutions to: offer training to current DEP staff; provide interns educated in these areas to the DEP both in the summer and during the academic year; and produce graduates with appropriate training to address environmental protection and policy in both the public and private sectors.	X	X			\$\$	Office of Science	Moderate	NC	<p>In progress. As noted at 7.7 the Department is in the process of transitioning the current Division of Science, Research and Technology to be an Office of Science in order to better support scientific needs of DEP programs. As part of this, the Department is in the process of creating an external Science Advisory Board (SAB) which will deliberate and advise the Department on pressing scientific and technical questions related to program policies. In addition, the Department has ongoing relationships with several universities. It has served as an extension site for two NJIT Masters programs since 1997; it makes extensive use of Rutgers for research initiatives and the Office of Continuing Professional Education to host regulatory seminars using DEP experts as well as training for various professional certifications administered by DEP; Fairleigh Dickinson University conducts the advanced portion of the state's Certified Public Manager course and the Rutgers Master of Executive Leadership is offered at Rider University specifically for state of NJ managers. DEP/HR has restored the internship program as of 2008 and continues to match interested programs with qualified candidates.) WS Next Steps (ongoing): Continue working with non-profit safe drinking water organizations to coordinate needed training to address DEP expertise shortfalls. DLUR Next Step (in progress): Hire a biologist through Rutgers to work on endangered and threatened plant species.</p> <p>June 23, 2009 Update – One June 23, 2009 the Department released an announcement to solicit nominations for scientists interested either in serving on the Science Advisory Board or the standing committees. Comprising up to 12 members, the Science Advisory Board will, at the Commissioner's request, provide independent peer review and advice on scientific and technical issues associated with protecting public health, the environment and New Jersey's natural resources. The Commissioner will appoint the Science Advisory Board members as well as up to 12 people for each of four standing committees: Ecological Processes, Public Health, Water Quality and Quantity, and Climate and Atmospheric Sciences. Additional information and nomination forms can be found on the DEP's Web site http://www.nj.gov/dep/sab/.</p>

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7.10	Within 18 months, reassess the appropriate base level of staff resources necessary to effectively meet current needs once the Task Force recommendations have been implemented.			X		\$	Programs	Moderate	NC	To be initiated. As IT recommendations are implemented and efficiencies are in place and functioning conduct assessment and determine the appropriate base level staffing needed to operate. It should be noted that programs currently have identified resource needs and most have fee programs in place to fund those needs, but FTE limits preclude hiring/backfilling. Next Step: Department is still assessing baseline needs and has many IT upgrades to implement. Defer assessment of base line needs until one year after all other recommendations have been implemented. Then reassess. Note: American Recovery and Reinvestment Act stimulus projects will artificially inflate workload for the next 12-18 months. Reassess after stimulus projects have been processed.
8.1	To improve the transparency of the decision making process, expand and improve the accessibility of the names of reviewers and supervisors for each permit application on the DEP Web site.	X				\$	OIRM	None	NC	In progress. OIRM is reviewing the following web sources for addition of information to fulfill this recommendation: Pending Permit Status Report, DEP web site Organization Charts, DEP Easy Access and NJ Direct. Next Step: OIRM will work with the One Stop Directors and programs to improve access to reviewer and supervisor information. Note: Increased accessibility does generate a conflict though, as DLUR staff spend more time on the phone answering questions about permit status and less in reviewing the applications before them. DLUR's preference is to refer inquiries to the DLUR Technical Support Center hotline (609-777-0454) to answer calls. DLUR instituted a Technical Support Center to assist applicants and the general public. Professional employees have been re-assigned to the Tech Center to provide meaningful answers. This has reduced the number of phone calls going to the Project Review Officers affording them more time for permit review. We have received positive feedback regarding this from the regulated community.
8.2	Consider developing cross-training programs for permit writers so that during times of high permit backlogs, high permit applications, or both, assistance can be provided across division lines.			X		\$	One Stop Directors/ DLUR/WS	High	NC	To be initiated. Similar to 7.3 above This approach may not be practical for some permit programs which require certain levels of expertise or education (e.g. engineering). In reality this is difficult to implement because all permit programs are short staffed. This would take a commitment by Senior Management to identify priority areas and move staff into them accordingly. Next Step: Identify permit programs where this is possible and/or education/experience requirements cross division lines. June 10, 2009 Update – Recommendation was discussed at May 21, 2009 One Stop Directors meeting. The group discussion reiterated the February, 2009 status comments. It was suggested that possibly administrative staff who do application pre-review could be shifted between programs when needed. However, because all programs are short staffed it may be more efficient to hire temporary staff during times when there are high volumes of work and who could be let go when application levels are lower.
8.3	Outsource training activities to a delegated authority to develop, provide and maintain educational programs on regulations and permit application requirements for consultants and for required training of well drillers and pump installers. Accomplish this through an RFP process and solicit firms that will require only minimal DEP staff assistance. Develop a training policy that defines when DEP staff will take the lead on training and at what point	X		X		\$\$	WS/Programs	Moderate	NC	1) In progress. The Division of Water Supply is exploring the possibility of having an outside party develop and run the continuing education program for well drillers and pump installers. The Division has collected names of vendors who are doing this function for other states' driller licensing and continuing education programs. It is a specialized field and it requires specific equipment and expertise to conduct. Next Step: This assessment needs to be postponed for approximately 12 months to allow for the completion of higher priority activities in the well program (i.e. implementation of e-permitting). 2) In progress. A number of DEP programs have developed an excellent relationship with the Jacques Cousteau Estuarine Research Reserve and have partnered on many free training programs for municipal officials and DEP staff. The programs have included other state and federal agencies. The partnership has extended to utilize the Department of Community Affairs' seminar series for Construction

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	DEP will defer to outside groups to handle the training. DEP would maintain the lead training role as rules are promulgated but defer to outside trainers at a later time.									Code Officials and Technical Assistants to train local officials on DEP regulations and FEMA's National Flood Insurance Program. 3) In progress. DEP continues to collaborate on development of new courses. DLUR and DWQ are initiating a pilot project to allow municipal engineers to replace DEP review (currently they are duplicative) of stormwater projects in DLUR permits under a Stormwater Certification Program. Agreement with Municipal Engineers being developed Feb. 2009, first meeting anticipated March 2009. Next Step: Continue coordination efforts including Stormwater Certification Program. 4) In progress. In addition to defining the core competencies for permit writers and designing training to meet those skills, other training delivery options are available. For instance, USEPA offers online training resources and they can be integrated into the Learning Management System platform. Additionally, the LMS will allow DEP-specific content to be developed and deployed with or without the use of content assessments to ensure knowledge transfer.
8.4	To improve the consistency of permit application reviews, institute a training program similar to that used for judges in the court system, whereby a number of judges review the same set of facts, then compare their approaches and decisions.			X		\$	One Stop Directors/Programs	Low	NC	Not evaluated yet. The programs concur that consistency in application review is critical to implementing efficient public service. At this time the programs are not positioned to research the suggested process and develop a new training procedure. However, they are committed to spending more time on the traditional methods for improving consistency, such as scheduling a portion of the monthly staff meeting to discuss one or more pending permit applications with the group or limiting certain permit decisions to manager or director level. Another method is creation of units to handle discrete permit types. For example the wetlands section processes all of the Letters of Interpretation within the Coastal Bureau, the DOT Unit handles only DOT, NJ Transit and Turnpike Authority projects, the GP Unit handles only general permit applications and urban growth and redevelopment projects are all handled under a single bureau. June 10, 2009 Update – Recommendation was discussed at May 21, 2009 One Stop Directors meeting. The group discussion reiterated the February, 2009 status comments. All of the program Directors present reported that they meet with staff as a group, either supervisors or supervisors and their staff, to advise them and provide guidance on new initiatives, rule adoptions or operational processes.
9.1	Revise permit fee schedules to reflect the total cost of DEP permit review staff, including all direct and indirect costs. These costs include salaries, benefits, pensions, field equipment, staff training and the comprehensive needs for information technology.	X			X	\$	OLA/ Programs	Moderate	RC	Ongoing in short term. Most fee based programs assess sufficient fees during normal economic times to meet resource requirements, although Treasury takes some of the funds for use in the State's general funds. This results in a reduction in revenue available for use by implementing programs. Rules are typically written to capture all of these costs. Goals: Propose fee schedules that include inflation factor so fees do not need to be re-justified each year or adopt regulations which allow fees to be adjusted on an annual basis, or as needed, and without rulemaking. Due to the difficult rulemaking process a number of years can pass before the fees are updated to reflect salary and cost increases, by then a large increase of the application fees is needed; develop a cost of operation increase formula and template fee rule that programs can utilize to adjust fees more often under rule making procedure. The new formula or procedure must still demonstrate that the fees are necessary to cover the costs to efficiently do business, that they are not automatic unjustified increases. Next Step long term: Develop template rules that allow regulatory fee changes (up or down) to be efficiently implemented. LUM lead.

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9.2	During times of increased permit workload, contract out for permit review services. Similar to the DEP air program, the consultants would work at DEP offices and would be paid by the state, thus eliminating any conflict of interest.	X		X			One Stop Directors/ DLUR	Moderate	NC, PC	<p>1) In progress. This approach was been used in the Air Permitting program to alleviate a back log in the Operating Permit program. 2) Not evaluated yet. Land Use Regulation has not pursued this option at this time as while the number of staff members reviewing permit applications is down the current (2008-2009) economic downturn has also reduced the number of applications received, so the number of applications per reviewer remains proportionally the same. DLUR will not have excess fees during this time to pay consultants to review. It is noted that the American Recovery and Reinvestment Act will temporarily inflate the number of public infrastructure permit applications received by the program, however, this is a short term event that does not warrant the creation of a new contract service.</p> <p>Next Step: Consider this as a long term option to be more fully evaluated.</p>
10.1	Publicly funded infrastructure projects that protect public health, safety and welfare and that meet appropriate location, design and policy criteria should benefit from the Priorities process set forth in this report.	X	X			\$	OPCER/ OPSC	Low	PC	<p>In progress. The Office of Planning and Sustainable Communities (OPSC) is developing guidance for the criteria recommended by the Task Force by which potential projects will be considered for priority status. Public infrastructure projects are included as prioritizing criteria in both the site performance and state priorities sections. Next Step: OPSC should continue to develop permit priority guidelines and pilot the prioritization system.</p>
10.2	Consider the development of a streamlined review process for projects of redevelopment or repair of existing infrastructure.	X	X	X		\$	OPCER/ OPSC	Moderate	PC, RC	<p>In progress. In response to the American Recovery and Reinvestment Act package permitting and financing programs have already begun making infrastructure projects a priority. Federal, state and local government agencies are working collaboratively to facilitate permitting and funding. For example see 7.3.</p>
Standard Setting										
11.1	The DEP would benefit from the assembly of a multidisciplinary group of scientists whose expertise would inform standard setting and rule writing for water and land use programs.	X				\$	WM&S/OS/ SRP/DWQ/WS	Moderate	NC, PC	<p>In progress. A Science Advisory Board was created in the newly created Office of Science (OS) on October 24, 2008. The intent is to leverage State universities' and colleges' expertise and work the Department initiatives into their core curriculum. In addition, the Department has a Standards Coordination workgroup established with representatives from a variety of DEP programs (e.g. SRP, WS, WM&S, OS, etc.) that meets routinely to discuss existing and upcoming human health based water and soil standards to ensure coordination among programs. There are also several multidisciplinary committees/workgroups to assist with the development of priority standards and rule writing - e.g., the development of the Nutrient Criteria Enhancement Plan and the associated changes to the Surface Water Quality Standards (SWQS) was developed by an intra-department workgroup (including members from the DWQ permitting program) and discussed at Water Directors and Water Summit meetings. In addition, a stakeholder process was conducted to provide an overview of the Nutrient Criteria Enhancement Plan as well as the anticipated changes to the SWQS and Assessment Methods. Another multidisciplinary workgroup/committee example is the DRBC Water Quality Standards Implementation Plan development for PCBs. Next Step: The Department continues to move toward creation (last quarter of FY 2009) of the Office of Science comprised of individuals from within and without DEP to provide science/standards assistance. Next Step: Continue proactive participation on the DEP Science Summit (internal advisory group to the SAB, coordinated by OS), on the Standards Coordination workgroup and continue coordinating multidisciplinary workgroups/committees for SWQS and GWQS-related standards and rule writing issues. Next Step: Continue necessary technical training for departmental staff on criteria and standards development.</p>

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										<p>Next Step: Assistance on development of Drinking Water Standards is in progress.</p> <p>June 23, 2009 Update – On June 23, 2009 the Department released an announcement to solicit nominations for scientists interested either in serving on the Science Advisory Board or the standing committees. Comprising up to 12 members, the Science Advisory Board will, at the Commissioner’s request, provide independent peer review and advice on scientific and technical issues associated with protecting public health, the environment and New Jersey’s natural resources. The Commissioner will appoint the Science Advisory Board members as well as up to 12 people for each of four standing committees: Ecological Processes, Public Health, Water Quality and Quantity, and Climate and Atmospheric Sciences. Additional information and nomination forms can be found on the DEP’s Web site http://www.nj.gov/dep/sab/.</p>	
	Open Public Records Act (OPRA)										
12.1	When producing records in response to OPRA requests, DEP staff should no longer copy files. Instead, all files should be scanned and provided to the requester electronically or, if necessary, in hard copy by downloading and printing them. In those instances when consultants who make appointments to view files scan those files, the consultants should be required to provide an electronic copy to the DEP to be used to fulfill future OPRA requests.	X		X			\$\$\$	SRP-RAO/ OIRM	Moderate	NC	<p>In progress. DEP is upgrading its existing imaging system to allow for scanning capabilities for OPRA. This requires approval from the state's Archive Record Management team to purchase additional software licenses. Once upgraded, files will be imaged as they are pulled from the files and warehouse, then returned or destroyed based on record retention requirements. DEP will leverage existing NJEMS imaging integration, to provide the same in OPRATS (the data system that tracks OPRA requests) so imaged documents are available via either system. Future requests for a file will then be available electronically to DEP staff and public via DEP data systems and website. DEP investigated using consultants who are given access to files as part of their OPRA requests, to scan those files to fulfill future OPRA requests but learned that according to the Division of Archives and Records Management (DARM) standards, an outside entity (unless under contract to do so) is not allowed to image files for the state as there is no quality control. Next Step: DEP will discuss further with DARM to evaluate changes to DEP process, including consultant certification of complete scanning, in attempt to take advantage of consultant time and effort. Complete OPRA imaging development, train staff and implement.</p>

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12.2	<p>The DEP should be provided resources to upgrade its computer hardware and software to enable a more rapid move to e-filing of required submissions. E-filing of materials will make information available in digital format to DEP staff, as well as to the public, which may ultimately reduce OPRA resource expenditures. Many of the resource intensive elements of OPRA cannot be avoided, such as determining privileges, but for general requests for application materials and technical documents, this should certainly help.</p>	X		X	X	\$\$\$\$	DLUR/WS OIRM	Moderate	RC, SC, TC, PC	<p>1) Ongoing: DEP will accelerate efforts to develop ePermitting/eReporting services. Please see 1.1 and 1.2 for additional work being done that helps to implement this recommendation. 2) In progress. A design session providing a generic service for eFiling is scheduled for March 2009. DEP Next Step: Implement generic eFiling/eReporting service and continue to develop program specific services that meet program specific business needs. 3) DLUR to be initiated. DLUR intends to fully implement this suggestion when appropriate statutory/rule changes are made and adequate funding is made available. Computer and wiring upgrades for DLUR ordered and funded in FY 2007 have been approved and are being contracted for. Recommendations related to correcting the application and approval 'process' should be implemented prior to initiating electronic reporting approach. It does not make sense to build an electronic reporting system for a flawed application and approval process. Next Step: Prioritize and request purchase of IT upgrades for FY 2010 (in progress). Complete needed statutory and regulatory amendments. 4) WS In progress. The Well Regulation Program anticipates implementing the electronic permitting initiative on a pilot basis in April 2009. Full implementation is expected later in 2009 after any unanticipated system quirks are identified and corrected. The Bureau of Water Allocation will implement the electronic water use reporting and water transfer system in April of 2009. Next Step: Complete full implementation of system.</p> <p>March 31, 2009 - WS In progress. The Bureau of Water Allocation implemented an electronic water use and transfer reporting program. Requiring the electronic submittal of water use and transfer data will facilitate data management by the program, eliminate the use of paper forms, reduce data errors, improve tracking and reporting of the data by the Department, and make data available in a more timely fashion. The initiative is currently being implemented on a voluntary basis but will become mandatory in the next reporting quarter.</p> <p>June 10, 2009 Update – 675 submissions have been received to the new Water Allocation electronic reporting service in the first quarter of operation.</p> <p>July 23, 2009 Update - All of the First Quarter Water Utilization Forms have been filed via the new online reporting process. That is 100% compliance from over 250 water systems submitting Water Utilization Forms and about 95% compliance for quarterly diversion reports from over 770 allocation permittees! These are amazing statistics considering that this is the first quarter for a new online reporting process. So far 550 forms have been submitted on-line for the second quarter as well.</p>
12.3	<p>Provide a centralized, web-based reading and viewing location where the public can search a library of databases for permit information and tracking reports.</p>	X		X		\$\$	OIRM	Moderate	NC	<p>In progress. DEP Data Miner is DEP's web site that reports up to the minute information from its data systems. We are working with the programs to understand what information is not yet available to the regulated and general public, and developing reports to make that information available. Next Step: After further discussion with PETF, DEP will evaluate ways to improve site searching, increase reports for permit program data not yet available online, and access to actual documents, photos, diagrams, in addition to the data reports already available. DEP welcomes additional and continual suggestions from PETF, DEP stakeholders and general public on ways to improve not only the DEP Data Miner tool, but also DEP's online, interactive mapping tools iMapNJ.</p>

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12.4	The OPRA statute should be amended to provide a fee structure that recovers the costs of search, retrieval and copying, along with a provision for waiver of such fees when a department concludes it is in the public interest. The federal Freedom of Information Act and federal agency implementing rules have similar provisions that can serve as a model for amendment of OPRA and state departmental implementing rules. For example, see EPA's rules on fees and fee waivers at 40 CFR, Section 2.107.	X		X		\$	SRP-RAO/ Legislative Affairs	Low	SC	<p>In progress. The EPA's rules on fees and fee waivers at 40 CFR, Section 2.107 charges fees based on the category of request, commercial, educational or non-commercial scientific, news media requests and all others request. Search fees are waived for educational, non-commercial scientific institutions and news media and for these two categories no fee is charged for duplication of the first 100 pages. DEP has already been working on an OPRA Amendment that would not cover all of the processing costs, but that we believe is fair and recognizes the different categories of requests similar to EPA's rules. It would (1) require the DEP to charge a special service charge for any records request requiring more than four hours; (2) require the DEP to charge a fee for any records request requiring between one and four hours to process, excluding individuals seeking a record for personal nonprofit reasons, charitable organizations, and news media. This bill provides that, in addition to any costs associated with duplication or any other charges under OPRA, for any requestor, a DEP records request requiring more than four hours would be considered an "extraordinary expenditure of time and effort", and as such a special service charge of \$25 per hour for each hour after the fourth hour would be charged by the DEP, which rate may be annually adjusted on January 1 according to the consumer price index (CPI). Legislation was proposed back in June but a litigation exemption impacted the bill in the Senate. We are redrafting for the fee part alone. The previous bill attempt was supported by Senator Smith and can be located under Senate # S1922. Next Step: Work with Legislators to re-propose this bill.</p>
Implementation of Task Force Recommendations										
13.1	In consultation with the Attorney General's office, review each individual recommendation of the Task Force to determine whether regulatory or statutory changes are needed to ensure full implementation of each recommendation. Conduct this evaluation within a short timeframe of perhaps 30 days as it will be instrumental in determining an overall implementation plan for these recommendations.	X				\$	Programs	Low	PC	<p>To be initiated. LUM intends to assign all rule research and recommendations, and implementation to one or more qualified, high level experienced individuals from DLUR with support from the LUM AC's office to coordinate and drive all rule or checklist recommendations contained herein. Generally, rules and current checklists, including readiness checklist will be reviewed during 4th quarter FY 2009 with DOL to determine path forward. A more complete and detailed schedule will be developed during this time. 1st quarter 2010 will see beginning of proposed statutory changes and rule changes initiated as appropriate. DLUR Next Step: Assign individual(s) to begin rule/checklist review.</p> <p>June 10, 2009 Update - The project was assigned to the Division Assistant Directors and this review has begun in consultation with the Director and Assistant Commissioner. Final recommendations are expected to be completed by October 1, 2009.</p>
13.2	The implementation plan should prioritize the three recommendations highlighted in the conclusion section – technology, rule making and resource management – along with the recommendations in the priority section. Regardless of the immediate resource constraints, these recommendations should be implemented because of the long term cost-benefits and the necessity to effect real change.	X					AC's	Low	PC	<p>In progress. See status of identified recommendation areas. DEP will utilize PETF recommendations for prioritization of tasks as appropriate. There is a need to plan deployment of the necessary IT enhancements and solutions concurrent with the rule making and adoption process. Next Step: See individual task next steps. Next Step: Require Directors to identify IT implementation solutions concurrent with development of rule proposals.</p>

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13.3	Initial research indicates that there might be a number of initiatives underway in other states and localities that deserve further analysis. Review these initiatives for possible application in New Jersey.	X					OPSC	Moderate	NC	Ongoing. Office of Planning and Sustainable Communities (OPSC) is currently planning to pilot our own priority system.
14.1	Develop clear informational requirements and checklists for administrative and technical completeness.		X			\$	DLUR	Moderate	SC, RC	To be initiated. DLUR intends to implement this suggestion and requested PETF members meet with DLUR enhance stakeholder involvement. DLUR Director Thomas Micai, Gail Smith and Anthony DiLodovico will have further discussion to identify where checklists and rules diverge and provide clearer guidance. These meetings will ensure that checklists match rule requirements and clarify administrative requirements in the rules. As new checklists are created or modified public input will be initiated. Water Supply has already created appropriate checklists. Next Step: See response to 13.1. June 10, 2009 Update – DLUR has a stakeholder meeting scheduled for June 24, 2009 with Tony DiLodovico, Michael Gross and others representing the regulated community to discuss application checklists and e-permitting.
14.2	Require a mandatory pre-application meeting of the project principal and a DEP supervisory level staff member for certain categories of DEP permit applications, depending on the scope and potential impact, to clearly define the specific requirements for any forthcoming permit application. Require the submission of a completed Readiness Checklist with all pre-application meeting requests and publish the completed checklist on the applicable DEP program Web page so the public has access to basic project information. Consider fees for some categories of optional pre-application meetings.	X		X		\$	DLUR/WS	Moderate	PC, RC	1) In progress. See Recommendations 38.1, 39.3 and 39.4 below. In addition to the requirement that the applicant submit a Readiness Checklist in advance of the pre-application meeting, for mandatory meetings the programs will provide a post-meeting memo to clarify issues that need to be addressed prior to submittal of an application. DLUR does conduct pre-application meetings when requested by the applicant. DLUR will continue to entertain specific pre-application meetings on as needed basis as has always been the case. In addition, DLUR is piloting a mandatory pre-application procedure with the economic stimulus applications that are currently being submitted. In some instances, at the same meeting staff are conducting the administrative check of application package and the application is immediately submitted. DLUR will report back to the Task Force on how the pilot worked out for them by June 30, 2009. Next Step: See response to 13.1. DLUR Next Step: Identify the types of more complex and complicated projects where a pre-application meeting will be mandated. WS Next Step: Water Supply is proposing a mandatory pre-application meeting as part of the Water Allocation rule proposal to be published in August 2009. Their administrative and technical checklists will also be updated as part of this initiative. June 10, 2009 Update - The pilot mandatory pre-application procedure employed for the economic stimulus applications is successful to date. Applications received were primarily from the NJDOT. Additional applications from the private sector are needed to fully evaluate the overall effectiveness of providing "drop-off" application meetings.
14.3	Mandate a certain level of professional expertise, education and/or certification for the preparation of certain permit applications.			X		\$\$	WS	High	RC, TC	To be initiated 3rd quarter of FY 2010. The Division of Water Supply must amend rules to require professionals who do the geological modeling for water allocation permits to hold certain credentials. Next Step: Recommended review for inclusion in updating rules.
14.4	Require applicants to certify that all required application information has been included with any permit application submission.	X				\$	DLUR	None	RC	Next Step: See response to 13.1.

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14.5	Require that e-mail addresses for the applicant, owner, agent and consultant be provided in the application and notify by e-mail all parties of all application deficiencies.			X		\$	DLUR/WS/ OIRM	Low	PC, RC, TC	To be initiated 4th quarter 2009. Both DLUR and Water Supply intend to make these changes. Changes will be made on next revision of the DLUR and WS checklist as discussed at 14.1. Implementation timeframe for both programs is based on need to adopt requirement in administrative rules. Next Step: Need to determine if rule changes are required to implement. See response to 13.1. OIRM will work with programs to implement department-wide if possible, as part of design and development of an electronic service that will allow DEP to email completed permits, saving time and significant mailing costs.
14.6	Promptly reject all applications that are administratively deficient, except for <i>de minimis</i> deficiencies for which a seven day period to cure should be provided.		X			\$	DLUR	Low	PC, RC	1) DLUR To be initiated 4th quarter 2009. DLUR intends to implement this suggestion promptly, however, it is contingent upon completion of 14.1. SOPs will be modified to reflect changes in process for <i>de minimis</i> deficiencies. As there is criticism when applications are outright rejected, DLUR must do advanced notice of change. Next Step: Publish a notice to advise applicants of new application procedures, while changing SOP's for implementation. 2) WS In progress. Water allocation rules intend to include a provision whereby an administrative review fee is required and if the application is not administratively complete the application is returned and the fee is kept by the program. Another application is then required. Next Step: Water allocation rule proposal in August 2009.
14.7	Establish a mandatory time frame for submission of deficient technical information to the DEP and, if the requested information is not received within that time frame, cancel the application and require submission of a new application.		X			\$	DLUR	Low	RC	To be initiated. DLUR and WS will implement this suggestion. As there is criticism when applications are rejected, DLUR must do advanced notice of change. Revisions to procedures and administrative rules will be made. DLUR Next Step: Publish a notice to advise applicants of new application procedures, while changing SOP's for implementation. See response to 13.1.
14.8	Implement a new process to cancel an application when, after two notices of technical deficiency, it remains deficient. Credit only half of the original permit application fee toward a new application for the same project.		X	X		\$	DLUR	Low	SC, RC	1) To be initiated 4th quarter 2009. DLUR to implement this recommendation. This will likely require a rule change and may also require an amendment to the 90-Day Construction Law. DLUR Next Step: DLUR to determine sections of statutes and rules that will need to be amended. Publish a notice to advise applicants of new application procedures, while changing SOP's and rules for implementation. See response to 13.1. 2) WS Next Step: Water allocation rule proposal in August 2009.
14.9	Do not refund application fees if an application is denied or if an application is cancelled or withdrawn late in the process.			X		\$	DLUR	Low	RC	See response to 14.8
14.10	Develop a qualitative rating system of consultants' performances based on the rate their applications are rejected as administratively or technically deficient. Publish these consultant reports on the DEP Web site.	X		X		\$\$	OIRM	High	PC, TC	In progress: Evaluating contact/consultant/organization information in NJEMS to determine the path forward. As this data is not being consistently managed across the permitting programs, some application changes are needed. Next Step: OIRM/LUM develop details for report by June 30, 2009; review by PETF. Would appreciate PETF input on report detail to insure the solution meets the recommendation. Consultants/permit applicants will be included in the report design. May also require legal review. Make necessary NJEMS changes and develop web accessible report to provide this information

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15.1	<p>If a DEP-regulated activity requires a number of permits from a single program in the DEP, require that all permit applications be submitted as one package to that program and reject any application for a project if it does not include all applications for that project. This will allow for consolidation of all permit review actions and the issuance of one program decision for the project. Exceptions will be allowed in cases where a pre-application meeting or concept meeting establishes specific permit application types that should be bundled or defines a schedule for submission of multiple permit applications.</p>			X	\$	DLUR	Moderate	RC, SC	<p>To be initiated. DLUR will implement this recommendation. Several statutory and rule changes will be necessary before modifying the existing permit process. Next Step: Identify sections of statutes and rules that will require amendment. See response to 13.1.</p>
<p>Land Use Management Recommendations - Internal Permit Application Process</p>									
16.1	<p>Standardize and streamline the administrative and technical requirements for all permit programs. Install requirements for uniform application, public notice, review criteria, review time frames and graduated review time frames based on permit complexity. Decisions on this recommendation need to consider federally delegated programs and other permit types where synchronized review time frames might not be appropriate. Further evaluation of regulatory change versus statutory change must be completed.</p>			X	\$\$	DLUR	Moderate	RC, SC, TC	<p>To be initiated. DLUR intends to begin this task soon. The following rules will need to be changed to address recommendation 16.1 for streamlining administrative and technical requirements. Recommended changes include uniform application criteria, public notice, review criteria, review time frames (90 day Law implications), and possibly graduated review times based on complexity. Recommendation 24.1 also proposes standardizing the fee schedule across all programs.</p> <p>Freshwater Wetlands Protection Act Rules - N.J.A.C. 7:7A Flood Hazard Area Control Act Rules - N.J.A.C. 7:13 90 Day Construction Permit Rules - N.J.A.C. 7:1C Coastal Permit Program Rules - N.J.A.C. 7:7 Coastal Zone Management Rules - N.J.A.C. 7:7E</p> <p>DLUR plans on implementing these changes with the realization that statutory changes may also be necessary. If Statutory changes are needed, we will approach the PETF for assistance. Next Step: Identify sections of statutes and rules that would need to be changed. Implementation will likely require a team of rule writers to coordinate and consolidate requirements. Also, support from PETF will be requested when rule changes are ready for proposal process. See response to 13.1.</p>

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17.1	Update and maintain all permit application checklists with input from the regulated community to ensure they are current and available on the Web. Clearly define how an application meets administrative completeness and technical completeness. Outsource administrative completeness reviews.		X			\$	DLUR	Moderate	PC, TC	<p>To be initiated. DLUR intends to implement this suggestion by first meeting with the PETF members to identify areas that need revision. DLUR Director Thomas Micai, Gail Smith and Anthony DiLodovico will have further discussion on this recommendation and 14.1 to provide clearer guidance on checklists. As new checklists are created or modified public input will be incorporated. At first glance, the suggestion to outsource administrative review would seem to decrease efficiency substantially, so, the next step is to meet with the PETF on this topic to obtain clarification. Next Step 1): Schedule meeting with PETF to discuss these issues further. LUM lead. Next Step 2): DEP will accelerate efforts to develop ePermitting/eReporting services as this not only provides online checklists as part of the electronic submittal process, but also eliminates the need for DEP staff to determine administrative completeness as an application cannot be submitted online unless complete.</p> <p>June 10, 2009 Update – DLUR has a stakeholder meeting scheduled for June 24, 2009 with Tony DiLodovico, Michael Gross and others representing the regulated community to discuss application checklists and e-permitting.</p>
18.1	Reallocate staff resources and dedicate additional staff review earlier in the permit review process for specific technical elements to identify technical deficiencies in a timelier manner and notify the applicant of such.	X	X			\$	DLUR	High	PC	<p>1) In progress. DLUR intends to implement this recommendation as resources allow. Managers will re-evaluate permit application flow processes and make early review for technical elements a priority. Individual programs will review their work plans and other priorities to determine where staff can be reallocated. DHR can assist in conducting staff reallocations and in conducting workload analyses. Next Step: DLUR to evaluate permit application process to determine appropriate point(s) to determine technical completeness/viability.</p>
18.2	Involve supervisors earlier in the permitting process to avoid last minute supervisory vetoes of permit applications after months of staff work.	X	X			\$	WS/DLUR	Moderate	NC	<p>1) In progress. Timeframes for initial application review by staff and notice of problems to supervisors are included in the employee's PES of many programs, and should be adopted by those programs that do not include timeframes in the PES. DLUR intends to address this issue by training existing staff to address the concerns. DLUR Next Step: DLUR identify training for staff to identify projects not likely to gain approval earlier in the permit review process.</p> <p>2) In progress. The Water Supply permitting element includes production goals for staff in PES documents. However, establishing timeframes for completing drafts for supervisor review are difficult because projects are so varied in complexity. The Water Supply permitting element encourages routine staff/supervisor interactions to ensure reviews are proceeding and that major technical deficiencies are identified.</p>
19.1	Clearly define the scope of information required to be included on all plans for each permit type in order to facilitate the review of permit applications.		X			\$	DLUR	Moderate	RC, SC	<p>To be initiated. DLUR intends to implement this suggestion. Statute and rule changes will be needed with assistance from PETF. DLUR Director Thomas Micai, Gail Smith and Anthony DiLodovico will have further discussion on this recommendation along with 14.1 and 17.1. Next Step: See response to 13.1.</p> <p>June 10, 2009 Update – DLUR has a stakeholder meeting scheduled for June 24, 2009 with Tony DiLodovico, Michael Gross and others representing the regulated community to discuss application checklists and e-permitting.</p>

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20.1	Establish a long term reliable source of funding to ensure the maintenance of these networks and the tools needed to both gather and manage this data and should look for outside partners to assist in funding these critical networks. Consider whether permit fees ought to reflect maintenance of these outside systems that are critical to environmental review.	X		X		\$\$\$\$	DWQ/NJGS/WS/ WM&S/OIRM	Moderate	PC, TC	<p>In progress and ongoing. New Jersey's water quality and quantity monitoring networks include both DEP/USGS cooperative programs and state programs. The DEP/USGS water monitoring networks are cooperatively funded by the DEP programs they serve through permit fees and the Corporate Business Tax. In the last year, these funding sources have been made equitable across the programs. Senior budget managers have reviewed the funding formula and adjusted the funding sources, and have evaluated any adjustments that would be needed for next year's budget. No fee amendments are required to support the Cooperative Networks at this time. Regarding water quality data management, DEP is developing a Water Quality Data Exchange System to improve the access, integration and reporting of data collected by the state and other water monitoring partners in NJ waters.</p> <p>Next Step: Continue working with external partners, such as the NJ Water Monitoring Council, to identify funding opportunities for maintenance of existing water monitoring networks, as well as increasing the funding for and use of additional monitoring to fill data gaps that are needed for comprehensive, accurate and timely permit application decisions. Work with interstate organizations, USGS, & EPA to maximize federal support for mandated state water monitoring. Continue development of the DEP Water Quality Data Exchange System in cooperation with the NJ Water Monitoring Council.</p>
21.1	Amend regulations, except in the Highlands Preservation Area, to specifically delegate authority to purveyors to issue water main extensions through a master permit and mandate that large purveyors use the master permit. Such a regulation would require that purveyors have all current data from the DEP with regard to safe yields in order to make consistency determination at the time of the purveyors' permit decisions.	X		X		\$	WS	Low	RC	<p>In progress. Amendments to the Safe Drinking Water rules to be proposed in November of 2009 to mandate the submission of master permits. Next Step: Safe Drinking Water Rule amendments due for proposal November of 2009.</p>
22.1	Increase efficiency by allowing the program to extend the effective periods for agricultural water usage certifications and nonagricultural permit approvals in those situations where there are not significant, adverse environmental or water supply impacts.	X		X		\$	WS	Low	RC	<p>In progress. The water systems permitting section is considering including a provision whereby the effective period for watermain extension permits may be extended to five years with a purveyor being able to request a permit be rescinded prior to that time if the project is not proceeding or other projects requiring water are ready to begin. See 22.2 below. Next Step: Proposed Safe Drinking Water rule amendments due for proposal in November 2009.</p>

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22.2	Amend N.J.S.A. 58:1A-6a. (2) To establish the effective term of agricultural water usage certifications not to exceed 10 years. Amend the water allocation rules to extend the nonagricultural permit period from 10 years to 15 years in those situations where there are not significant adverse environmental or water supply impacts and only where all safe yield data is current.		X	X		\$	WS	Low	SC, RC	<p>1) To be initiated. The first part of this recommendation would require a change to the Water Supply Management Act to extend the term of the Agricultural Certifications. PETF endorsement may be needed. Next Step: Statute change required. 2) In progress. The second half of this recommendation is part of the Water Allocation Rule proposal which is anticipated to be proposed August 2009. Next Step: Water Allocation Rule proposal and adoption.</p>
23.1	Delegate to the water purveyors with oversight by the Division of Water Supply the responsibility to ensure that backflow preventers are installed throughout systems.	X		X		\$	WS	Low	RC	<p>In progress. Amendment to the Safe Drinking Water rules will be required. Recently, purveyors have expressed disagreement with this provision because they prefer that dual sources of water not be approved. Water Supply permitting is exploring allowing certifications by P.E.s to be accepted prior to issuing/renewing physical connection permits. Next Step: Proposed Safe Drinking Water rule amendments due for proposal in November 2009.</p>
24.1	Standardize fees across the various Division of Land Use Regulation permit types and simplify calculation for multiple permits.			X		\$	DLUR	Moderate	SC, RC	<p>To be initiated. DLUR intends to implement this recommendation. Statute and rule changes will be needed with assistance from PETF. Next Step: Identify fees and rules to be modified.</p>
25.1	Eliminate the installment payment schedule for permit applications from the statute or significantly increase the base permit fee subject of this provision. Allow applicants, consulting firms or both to establish application fee escrow accounts modeled after escrow accounts used in federal bankruptcy courts, from which fee payments can be drawn.			X		\$	DLUR/WS/ other DEP permitting offices/ OIRM	Low	RC, SC, TC	<p>To be evaluated. Statute (13:1D-122 Schedule for payment of fees) and rule (7:1L Payment Schedule for Permit Application Fees) changes will be needed with assistance from PETF. Next Step: If elimination of the fee schedule cannot be accomplished investigate and review with OIRM and Treasury the business process that would be required to implement an escrow account system.</p>
26.1	Establish a uniform series of wetland buffers pursuant to the Coastal Zone Management rules and consistent with the buffer requirements established for other Land Use Regulation programs.	X		X		\$	DLUR	Moderate	RC	<p>In progress. DLUR is currently investigating the potential environmental impacts associated with the necessary rule change and potential legal challenges. Next Step: Seek stakeholder input to develop proposed rule change.</p>
27.1	Work with the Freshwater Wetlands Mitigation Council to reconsider roles and responsibilities, to evaluate options for changes to meeting schedule and to establish a streamlined process for operations, including, but not limited to, options to distribute information electronically to members and to vote on projects via e-mail or conference calls.	X	X	X		\$	DLUR	Low	PC	<p>In progress. DLUR intends to implement this recommendation. The Council's roles and responsibilities were reduced with implementation of October 6, 2008 Freshwater Wetland Protection Act Rules. The new regulations take the authority of approving a mitigation bank away from the Council and put it back with the Department. Only if the banker wants preservation credits do they have to go before the Council. To address this recommendation the Council is scheduled to discuss possible procedural changes and future use of e-mails and conference calls at the April 7, 2009 Council meeting. Next Step: Adoption of Council streamlined communication and meeting procedures.</p> <p>April 20, 2009 Update – In progress. The Council acted at the April 7, 2009 meeting to streamline the process for operations effective immediately.</p>

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										Application materials and Council mailings will be distributed electronically to the Council members to the maximum extent practical. All meetings will be held at the DEP, no longer at various locations around the State. There will be no more hard copy mailings to announce meetings. Meetings will continue to be public noticed as before in accordance with the Sunshine Law to notice the date of the meeting and agenda via the DEP's web site and electronic mailing list.
28.1	Given the temporary nature of dewatering activities and the minimal potential for adverse environmental impacts, amend the permit-by-rule to allow dewatering for a longer time frame, such as 60 days, in cases where no sensitive resources are likely to be impacted.	X	X			\$	WS	Low	RC	In progress. Amendments to the dewatering permit-by-rule are being considered as part of the Water Allocation rule proposal anticipated to be proposed August 2009. Next Step: Propose and adopt amendment to permit-by-rule.
29.1	Support adoption of clear, consistent standards in the Pinelands Commission Comprehensive Management Plan to facilitate permit decisions from both the DEP and the Pinelands Commission. Require that any water allocation permit application to DEP be submitted concurrently with any application to the Pinelands Commission.	X	X			\$	DLUR/ WS/ Pinelands	Moderate	RC, PC	In progress. While the recommendation from PETF includes the need for the Pinelands Commission to develop clear, scientifically defensible standards on which to base its decisions, the PETF is also recommending concurrent reviews prior to such standards being implemented. Having concurrent reviews without clear standards upon which the Pinelands Commission would act does not expedite the water allocation approval process. This is the current process which generally causes significant delays as the Water Supply's review is completed prior to the Pinelands Commission's and the Water Supply program cannot make a final decision on the application until after the Commission decision. It would expedite the Water Supply's allocation permit processing if applicants were required to obtain approval from the Pinelands Commission prior to applying for the Water Allocation Permit. Next Step: The Pinelands Commission must establish scientifically-based standards for hydrological and ecological impacts associated with water withdrawals and acquire technical staff with the expertise to develop and implement the standards and DEP could require Pineland approval as an administrative requirement for a permit application. Upon implementation of these standards and capabilities by the Pinelands Commission, concurrent reviews of water allocation related applications can proceed. LUM/WS to coordinate with Pinelands.
30.1	Engage DCA in an effort to align the standards for construction in floodplains, such as low floor elevations, acceptable uses of crawl spaces and electrical and mechanical equipment locations, consistent with the higher standards adopted by the DEP.	X				\$	DLUR/ DCA	Moderate	RC, PC	In progress. DLUR recently met with DCA representatives to begin the process to achieve consistency of standards. Little progress has been made to date. Next Step: To be determined.
Water Quality Recommendations										

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31.1	<p>On March 17, 2008, the DEP proposed regulations that would allow Division of Water Quality permit applications to be submitted electronically. Make it a top priority to ensure that applications can be accepted and processed in this manner. With regard to sealed plans, the plans can be submitted electronically and reviewed. A hard copy of sealed plans then can be submitted prior to the issuance of the permit.</p>	X				\$\$\$\$	DWQ/ OIRM	High	NC	<p>Completed. The NJPDES amendments were adopted and effective January 5, 2009. In addition, in September 2008 DWQ began to electronically accept Dental Registrations. 2) In Progress. The means to electronically accept and issue the stormwater construction activity general permit is currently in the design stage with completion expected by winter 2009. 3) To be evaluated. These two projects will serve as the model for future electronic permit application and issuance.</p> <p>April 16, 2009 Update - NJPDES rules Electronic Submissions on electronic submissions, published in the NJR on January 5, 2009, include specific provisions concerning the existing program of the electronic submission of monitoring report forms through the NJPDES Electronic Data Interchange (EDI) Program. They also include provisions that will allow applicants, permittees and other interested persons in the future to submit applications, reports, and other information electronically, with the Department's consent and in the manner prescribed by the Department, via the Department's web portal, as the Department develops the capability to accept those submissions electronically.</p> <p>2. Dental Amalgam - ePortal enhancements were completed in February 2009 to improve the ability for Dental Waste generators to register online and submit and update their compliance requirements online.</p> <p>3. Stormwater Construction GP authorizations - ePortal enhancements are scheduled to be rolled out in late spring/early summer 2009 that will give permittees the ability to apply for and obtain a NJPDES permit authorization online for the Stormwater Construction GP.</p>
31.2	<p>Direct more resources to NJEMS and prioritize NJEMS upgrades to achieve maximum efficiencies.</p>	X				\$\$\$\$	DWQ/ OIRM	High	NC	<p>Completed. The Department has allocated \$1.8 million from excess receipts.</p> <p>Next Step: Continue to prioritize NJEMS upgrades funding in program budgets.</p>

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32.1	<p>The renewal cycle for permit holders within watersheds should be the same or coordinated. The DEP could adjust the renewal dates so that they are synchronized by watershed. The permit holders would then be better able to get together to perform the various studies necessary to confirm that the permit limit is appropriate for the various permit holders. The DEP could facilitate the coordination. Completing the studies on a watershed basis would result in better studies and a more efficient and predictable system. In addition, the study would continue to be paid for by the regulated community, thus not increasing the burden on the DEP.</p>				X	\$	DWQ	High	PC	<p>More evaluation required. While the value in coordinating studies in some instances is recognized, the need to coordinate permit cycles to accomplish this is debatable. Further, upon review it has been determined that there are no efficiencies gained by changing permit cycles. Adjusting the permit renewal cycle may cause problems for the Department both from a workload perspective and in meeting the Departments obligations to USEPA. Next Step: DWQ will identify where there is potential value from coordinated studies and will work with permittees to implement as a pilot.</p>
33.1	<p>Identify those standards that might cause conflicts between drinking water and wastewater utilities. Work with utilities to develop implementation plans to address difficulties that arise. Drawing from existing advisory groups, convene a working group of relevant stakeholders, including the DEP's drinking water and wastewater programs; the utilities; and the ratepayers through their representatives and through the Division of Rate Counsel. The objective of such a working group would be to identify areas where a coordinated approach and operational changes would enable both drinking water and wastewater utilities to achieve and maintain compliance with applicable standards in a way that is most efficient overall.</p>	X		X		\$\$	WS/DWQ	Moderate	PC, RC	<p>Regarding convening a group of stakeholders, that was discussed some time ago at the Water Summit and it was decided that we did not have the resources to move forward on this recommendation at this time. Internally at DEP, through the Water Directors meetings and Water Summits the programs have continued to work on conflict issues, nitrate being the most recent one. There is a cross program team looking at nitrate issues specifically within the Passaic Basin. WS In progress. The Division of Water Supply has been working with other DEP programs on nitrate issues to ensure effluent requirements are protective of safe drinking water standards. If funding can be acquired, the water supply permitting element intends to contract with the USGS to install a real time nitrate monitor in the Passaic river basin to gather nitrate data. Modeling is also being planned.</p> <p>July 10, 2009 Update - The department intends to install a gage at the confluence of the Passaic and Pompton Rivers approximately 500 ft downstream of the NJDWSC Two Bridges Intake. It is being installed at the location of an existing USGS water quality gage. We anticipate the installation to occur in late July or early August.</p>

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34.1	Re-examine the rulemaking process to determine if there is a better way to ensure that rule writers closely interact with permit review staff so that the ramifications and implementation logistics of all new and amended rules are fully understood. The new rules can be written in a manner that facilitates implementation.	X	X				WM&S/ DWQ/ Watershed Management/One OLA	Low	NC	<p>Partially completed and ongoing. It has now become standard practice for the Department to address implementation issues for new criteria during their development. For instance, the Water Monitoring & Standards (WM&S) program has developed a multi-faceted proactive rule development initiative and continues to enhance coordination with the Division of Water Quality and other programs regarding implementation. Rule development typically begins with the formation of a team of DEP stakeholders, such as the Nutrient Assessment Team. WM&S communicates rule implementation issues with DEP programs at the monthly Water Director Meetings and Water Summits held every two weeks. All affected DEP agencies are invited to attend rule launch meetings and recently a re-launch meeting was held for a Surface Quality Standards proposal that had undergone changes. In addition to the Division of Water Quality, the government stakeholders also include, but are not limited to, the U.S. Geological Survey, Site Remediation, Land Use Regulation, Fish and Wildlife, NJ Geological Survey, Watershed Management and Water Supply. A separate meeting is held to specifically inform Directors and Bureau Managers of affected programs and training meetings for program staff are held. Additionally, MW&S has coordinated with the affected programs to develop fact sheets that are intended to inform staff, as well as the regulated public. On January 26-30, 2009 the EPA Water Quality Standards Academy was held in New Jersey for the first time by WM&S partnership with the Delaware River Basin Commission, which allowed staff from Water Quality, Enforcement, WM&S and Watershed Regulation to attend. Next Step: Continue proactive rule development and outreach efforts for other programs.</p> <p>June 10, 2009 Update – Recommendation was discussed at the April 16, 2009 One Stop Directors meeting. It was suggested the recommendation should be reassigned to Office of Legal Affairs for further discussion.</p>
35.1	Designate and provide training for specific rule writers within the Division of Water Quality. Rule writers with expertise in certain water quality areas could be dispatched to other programs to assist when workloads fluctuate, which is typically around the time of rule changes or massive renewals.	X		X		\$	DWQ	Moderate	PC	<p>In progress. DWQ has now formally identified three individuals to serve as rule writers and to assist with all rules in the Division. These individuals have spent extensive time working with the Office of Legal Affairs and will be participating in the new training program for rule writers. Next Step: Rule writers must complete training.</p>
36.1	Consider increasing the regulatory threshold for sewer extensions when the sewage utility or authority endorses the design. This procedure could also apply to water distribution line extension permits, which is a land use function.	X		X			DWQ/WS	Moderate	RC	<p>1) WS In progress. WS intends to include a master permit requirement for watermain extension permits that should make this process more efficient in the upcoming Safe Drinking Water Act rule proposal in November 2009. This would preclude the need for a purveyor to come to the Department for approvals on individual watermain extension projects. WS Next Step: Safe Drinking Water Act Rule proposal November 2009 and adoption. 2) DWQ To be evaluated. To date there have been changes made to the TWA program which have increased program efficiency significantly. The Department will initiate discussions with the sewage utilities and authorities to address the possibility of further modifying the program. However any change must provide the Department with oversight of issues such as hydraulic capacity, conveyance capacity, planning (Wastewater Management Plan consistency), and engineering design.</p>

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36.2	Clearly identify and make known to the public all stormwater functions currently performed by the DEP.	X	X				\$\$	DLUR/DWQ	Low	NC	
36.3	Strive to consolidate all stormwater functions under one program. At a minimum the stormwater management rule and interpretations should be within the NJPDES program. The municipalities, counties and state agencies could then have one point of contact for stormwater issues. This would assist these entities in complying with their responsibility to enforce the stormwater management rules on projects.	X	X					DLUR/DWQ	Low	NC	<p>Completed. Effective December 6, 2008 the Department has consolidated DWQ and LUM Watershed Regulation stormwater permitting and management policy functions within the Bureau of Nonpoint Pollution Control (BNPC), Division of Water Quality. The DLUR permitting review function remains in that office. Notification of this change has been made within the Department via email.</p> <p>Completed. External notification has been made by posting information on the DWQ website and through discussion at public events and meetings held with the regulated community and stakeholders.</p> <p>April 16, 2009 Update- The Governor has extended the expiration of the Storm Water Management Rules until February 2, 2010. Given the short time frame the Department is anticipating proposing a limited number of changes to the rule. We intend to meet with stakeholders, as a follow-up to the stakeholder meeting that was held on February 15, 2008, to present the Department's anticipated changes.</p>
36.4	When the DEP believes it must perform stormwater management reviews, it must ensure that all stormwater management rule interpretations are consistent with the NJPDES program interpretations.		X					DLUR/DWQ	Low	PC	<p>July 10, 2009 Update - The BMP Manual Advisory Group continues to meet regularly to provide technical guidance on the BMP.</p>
36.5	The DEP has an established stormwater BMP manual technical review committee consisting of representatives from all stakeholder groups. Use this committee to review and respond to questions regarding rule interpretation.	X	X					DLUR/DWQ	Low	NC	
36.6	Conduct a voluntary pilot program to identify where duplication of storm water management reviews could be eliminated		X					DLUR/DWQ	Moderate	PC, RC	<p>In progress. The Department will meet with representatives of the regulated community to begin discussions on the development of a Pilot Program in April 2009. The Department anticipates initiating implementation of the program in the Summer of 2009.</p> <p>July 10, 2009 Update - The Program has begun implementation of a pilot project approved by the Commissioner.</p>
37.1	Many individual discharge-to-groundwater permits for domestic wastewater facilities have the same permit requirements. Consider issuing a general permit for these existing facilities, which would allow the DEP to renew the permits for these facilities through one permit renewal action.	X	X				\$	DWQ	Moderate	NC	<p>To be evaluated. The Department already has an Expedited Renewal process under the NJPDES Rule whereby individual permittees may be renewed quickly if there are no changes required either by the permittee or the Department. Most of the facilities that would be covered by this general permit are eligible, and participate, in the Expedited Renewal process, thereby minimizing staff time associated with the renewal. The Department will survey those permittees that don't take advantage of the expedited renewal process to identify issues and encourage participation.</p>
Priorities for Permit Processing											
38.1	Expand the role of the Office of Permit Coordination and allow preferred project types to have this office facilitate all of their permit reviews and approvals.	X	X					OPCER	High	NC	<p>Completed. The Office of Permit Coordination and Environmental Review (OPCER) has established a process to use the newly adopted 'Readiness Checklist' to identify preferred project types in a way which will be transparent to both the applicant and the DEP permit programs.</p>

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39.1	Establish a priority system to manage application processing according to defined criteria		X			\$	OPSC/ OPCER	High	PC	<p>In progress. Office of Planning and Sustainable Communities (OPSC) will coordinate with programs and OPCER to develop a priority system to manage application processing for projects that have been identified to have priority ranking. The prioritization criteria and system will be piloted over the next year through collaboration of the OPSC, the Office of Permit Coordination and Environmental Review and the One Stop Directors. Next Step: A draft Priority Permit Application Checklist and draft Priority Permit Application Evaluation Guidance Manual has been crafted. The Priorities committee will review these documents and report back to the Task Force.</p> <p>June 10, 2009 Update – The Priorities Committee met on April 30, 2009 to discuss the draft prioritization application checklist and application evaluation guidance manual. The Committee’s suggested changes were made to the criteria and the amended draft was distributed to the Task Force for consideration.</p>
39.2	The DEP’s administrative processing should provide a unique point of entry to facilitate reviews of priority projects.	X				\$\$	OPCER/ OPSC/ Programs	High	NC	<p>Completed. OPCER currently provides a unique point of entry to facilitate initial screenings of complex projects with the Permit Readiness Checklist, and provides facilitated coordination of projects that require multiple Departmental approvals. The actual prioritization would occur in OPSC, however OPCER shepherds applications through the permitting processes.</p>
39.3	Provide project concept review, a team approach to multiple permit projects and a case manager to follow the project from inception to decision. Additionally, identification of permit critical path parameters, including identification of fatal flaws and establishment of timelines for action by DEP and the applicant, should be implemented to bring more predictability, transparency, timeliness and efficiency to the review process.	X				\$\$	OPCER/ OPSC	High	NC	<p>In progress. The OPCER provides a unique point of entry to facilitate initial screenings of projects with the Permit Readiness Checklist, and provides facilitated coordination of projects that require multiple Departmental approvals.</p> <p>Through this team process, including the OPSC, a potential project is reviewed by a representative of each applicable permitting program for any fatal flaws and potential permits required to complete the project. A timeline is established for acceptable projects including a critical path for permit acquisition. Team meetings are conducted with the responsible party as needed from inception to completion of the project.</p>
39.4	Update the Readiness Checklist to incorporate the criteria set forth in Recommendation 39.1, above.	X		X		\$	OPCER/ OPSC	Low	NC	<p>Completed. A modification to the Permit Readiness Checklist has been drafted to include an opportunity for the responsible party to request a review of the project for priority consideration.</p>

\$ = <
\$100,000
\$\$ =
<\$500,000
\$\$\$ = <
\$1,000,000
\$\$\$\$ = >

Low = <1 FTE
Medium - 1 to
5 FTE
High - >5 FTE

NC - None
PC -
Policy
RC -
Regulatory
SC -
Statutory

AC’s = Assistant Commissioners
BNPC = Bureau of Nonpoint Pollution Control
DCA = Department of Community Affairs
DLUR = Division of Land Use Regulation
DWQ = Division of Water Quality
HR = Human Resources
M&B = Management & Budget

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\$1,000,000

TC -
Technical

- NJGS = New Jersey Geological Survey
- NJPDES = New Jersey Pollutant Discharge Elimination System
- OIRM = Office of Information Resources Management
- OLA = Office of Legal Affairs
- OPCER = Office of Permit Coordination and Environmental Review
- OPSC = Office of Planning and Sustainable Communities
- OS = Office of Science
- RWIC = Rule Writers Issues Committee
- SRP = Site Remediation Program
- SRP- RAO = SRP-Records Access Office
- WS = Division of Water Supply
- WM&S = Water Monitoring & Standards