

Summary of statements at NJDEP Office of Permit Coordination and Environmental Review Stakeholder Meetings on Dec. 9 and 16, 2010

Interaction with other entities and Regional authorities.

PCER needs to include Soil Conservation Districts in pre-application meetings.

PCER needs to insure full coordination with Highlands Council and Pinelands Comm.

DEP needs to streamline process with Highlands.

Early meetings to inform an applicant that Highlands does ask for more stringent reviews.

- PCER does include Highlands Council early. However, Highlands's rules and mitigation needs a Highlands Consistency and mitigation determination separate from DEP's mitigation requirements.

How to streamline DEP and Highlands coordinated. Eileen – Need exemption determination from DEP 1st to decide if needs Highlands, LOI, or DEP LOI.

Role of PCER

Hard to get all DEP people in a room, PCER helpful.

Due to limited staff PCER must accomplish its tasks productively. Don't venture into other areas of responsibility like rolling out regs for other programs or doing other programs' jobs.

Do not sacrifice public input for 'fast track' permits.

Permit Coordination open for business, DEP needs to help across media lines.

Following a pre appt. mtg or in follow-ups. Meeting notes should be generated so there is consensus of what the next steps and proposed permits. Don't want to send out surprises ie extra permits required. Ex: after EIS completed, were all programs there? Do we have schedule, predictability? firm list of permits?

What else could PCER do:

PCER needs to stay focused on its primary mission of coordinating permits and not get diluted/distracted by other obligations.

Resolve Policy Conflicts

Dam Safety issues

SHPO

Wetlands

FHA – example cited of a project that has taken 8 years to get resolved.

Include local, county, regional, Soil Conservation Service or other essential parties in pre-application meetings.

PCER facilitate a 'concept development' meeting early on DOT projects to get the right people's input into projects early.

Can we include County Soil conservation District be included in pre-apps? Sometimes there is a conflict between their requirements for riparian zone. (comment: form changed)

Predictable timeline on review of new technology. Have ability to run issues through PC office but does PCER office have authority to resolve problems or elevate to priority status.

CAFRA, wetlands, FHA tension to increase jurisdiction of each program in Land Use. If PCER see trends in permitting challenges can that get resolved so path thru LURP is smoother and predictable?

Review rule proposals to avoid cross-program conflicts

Outreach regarding new/how to do ahead of new permit policy - can PCER help with this?

When Water Allocation says one thing and NJDPES says no, can PCER resolve that conflict rather than having Enforcement brought into the room.

Example: Storm water mgt. rules how do we apply rule for category 1 water? New Flood Hazard rules conflicts definitions of stream bank and bed.

What could PCER do better/more?

Define the project review team early. Because EA's/EI's can be such big documents, we should set up permitting team early to review these docs. PCER is pushing review of resource reports early so by the time EA comes, scoping mtgs will have already been conducted.

Form dedicated review teams for large projects.

Early influence to have maximum influence/impact information on final project design.

PCER stay with project through completion; can PCER also coordinate modification to permits? Safety issues, site conditions, change from permits generated once project gets started.

After pre-application meeting PCER should continue to resolve conflicts among permitting groups including among regional authorities. ie LU and SRP.

The combined Pre-Application meetings are initially a successful undertaking. However, every agency (internal and external) should depart from that meeting with a short project evaluation form where each agency summarizes the anticipated permit and general conditions that would apply. These should be summarized by the Office of Permit Coordination and presented to the applicant for analysis. The applicant (while preparing the application) should then work the Office of Permit Coordination to resolve circular and/or conflicting conditions that make the project "unbuildable". The resolution should be affirmed in writing and incorporated into the permit application.

In cases where interagency resolution is not successful the Office of Permit Coordination should establish and instruct the applicant which agency conditions should take precedent (i.e. Site Remediation is most important followed by Air followed by Land use, etc.) The Office of Permit Coordination would formalize this decision matrix in writing, which would proceed with the application to the reviewing/issuing agencies to provide direction.

Consider smaller phone call meetings rather than 1 big pre-app.

PCER needs to hold smaller and more focused meetings.

Once applicant gets contacts in programs, a applicant should go directly to programs to resolve issues. PCER Office serves as backup for conflict resolution. How proactive will PCER office be in identifying any problems or is it the applicants role to notify PCER of a conflict that needs resolution. – PCER response: applicant should always contact PCER if they have a problem with permits. For large projects, PCER will have a more active management role.

Is PCER logging problems, meetings, following up on what they are doing?

PCER needs to include SHPO early in process.

Regulated community wants to know that there is one person who can convene any required meeting. PCER office should be offered to set up multi program meetings to resolve any schedule conflicts.

Small projects need more help from PCER

Would PCER meet with prospective purchasers to advise them on whether or not the project can be permitted very early in the process? [PCER response – yes for large projects].

Can the Dispute Resolution Office coordinate with PCER to resolve permitting problems? [PCER response – possibly; if project needed multi-program involvement to resolve and PCER could bring some value to the process]

What happens after the One Stop meetings conclude? A one point of contact at PCER to follow up on permitting issues would be ideal.

Will applicants have to go through PCER for all permitting issues rather than the permitting programs or just when there's a problem? [PCER response – depending on the project – very large projects PCER is lead, other projects applicant, after pre-application meeting should contact program contact directly and keep PCER advised]

Will PCER track progress & problems with projects or will applicants be responsible for that? Will permitting programs keep PCER aware of permitting or approval status? [PCER response – going onto NJEMS soon which should help track projects]

PCER needs to get answers about permitting from the permitting programs as quickly as possible without the applicant having to go to the Commissioner to get the answers.

Permitting conditions for T&E and Fisheries limit construction time and dates for projects. PCER should get anticipated conditions after the initial pre-app meeting to the applicants rather than when the permits are issued to allow proper planning for the project by the applicants.

Could PCER help to interpret the permitting programs special conditions on permits or how to comply with these special conditions?

PCER needs to be able to convene all permitting and approval parties when problems arise and deadlines aren't being met in the permitting process. PCER being the convener or communicator.

Can PCER refer or guide applicants to the Dispute Resolution Office before the permitting programs refer them to enforcement and they receive Notice's of Violation?

The NJDEP needs to provide more transparency and clarity about the Meadowlands Commission's role in the NJDEP permitting process.

If the State is providing funding for or is backing a project, the NJDEP should acknowledge that and try to be more cooperative in streamlining the permitting process for the project or resolving permitting issues and identify risks that may be associated with the project.

Can money thresholds be raised for Executive Order #215 and can the MOA between the NJDOT and NJDEP be expanded to include NJ Transit and NJ Turnpike Authority projects?

For large projects, do applicants need to identify all permits and approvals or should PCER identify the environmental requirements for the project? [PCER comment – for large projects with professional consultants, PCER would expect the Permit Readiness Checklist to identify a complete list of potential permits; DEP will confirm this through the PRC process]

Will PCER help to coordinate multiple public hearings for different programs? Will PCER review the public notice for these hearings to insure it meets the regulatory requirements? [PCER comment – PCER will generally not perform this function unless specifically asked to accomplish this by the applicant]

If the State is providing funding for or is backing a project, the NJDEP should acknowledge that and try to be more cooperative in streamlining the permitting process for the project or resolving permitting issues and identify risks that may be associated with the project.

Should be seamless process from NEPA to DEP permitting: DEP should accept Federal alternatives analysis as sufficient for State rules. Once pre-application meeting has decided something it shouldn't change. If EIS completed, alternative has been approved project should move ahead. Developing a timeline for DEP review is critical. Pre app at PCER and LURP: LURP should take a much more active role in EA review rather than wait for permit application. Time to review alternative is before EA comes in.

DOT comments: Concept development – see comments early

Everyone involved in the project should attend an early concept development meeting to insure that all alternatives are being considered.

DOT input at same time they go out to the public

Internal review with the DOT before public input

Did we see the alternatives that best deal with minimizing impacts, then go for EA Comments' and then permits....more comments. This will greatly help with public introduction on a project. DOT wants to at least have a good idea of acceptable alternative before they go to the public

PCER authority

PCER needs the authority to require programs to act consistently with decisions made at pre-application meetings and programs may not determine later if more permits are required.

We need predictable time lines. PCER needs the power to do this

PCER needs to be able to establish the teams for working on big projects

Pre-application meetings need to have authority to be the final word from the Department on a project.

PCER needs to pull in all Department programs to insure success/finality of pre-application process.

Permitting conditions for T&E and Fisheries limit construction time and dates for projects. PCER should obtain from the programs the anticipated construction windows after the initial pre-app meeting and supply to the applicants rather than when the permits are issued to allow proper planning for the project by the applicants.

Program policy comments (these will be referred to appropriate program management/rule and transformation teams for follow up/incorporation – not within PCER purview; each of these will have their own public stakeholder process)

Do not sacrifice public input for 'fast track' permits.

Use the same specialized reviewers in their fields, ie all reservoirs, bridges, malls should have same reviewer.

DEP should prioritize publically funded and publically beneficial projects.

- ie DOT local area projects lost funding on 15 projects because DOT could not get through Environmental process projects do have a time line.
- Have in the WWTP...efficient process, but Private Utilities should have some consideration for priority if in the public good.
- But also need to make sure that public good is fully evaluated. Not all "for public good" are supported such as LNG pipelines. However, need to consider overall value of infrastructure project before expedite/prioritize.

DOT comments: Concept development – see comments early

Everyone at concept development meeting

Are all alternatives considered?

DOT input at same time they go to do public

Internal review with the DOT before public input

Did we see the alternatives that best deal with minimizing impacts, then go for EA Comments' and then permits....more comments. This will greatly help with public introduction on a project. DOT wants to at least have a good idea of acceptable alternative before they go the the public

Can Fed Highway Authority pay for employee person at DEP? DOT did pay for staff at DEP.

Would industry be interested in paying for review staff dedicated to their project?

- Public perception might be a problem

OPRA Review: Very slow, is there a better way to have information?

Should be seamless process from NEPA to DEP permitting: DEP should accept Federal alternatives analysis as sufficient for State rules. Once pre-application meeting has decided something it shouldn't change. If EIS completed, alternative has been approved project should move ahead. Developing a timeline for DEP review is critical. Pre app at PCER and Lurp: LURP should take a much more active role in EA review rather than wait for permit application. Time to review alternative is actually before EA comes in.

Program rule or policy recommendations that are outside scope of PCER (will be referred to program/transformation rule teams)

How do we establish fees? When do permit programs get fee for all work they see?

PADOT has a dedicated person at PADEP to handle their projects and PADOT is "charged" for that privilege.

How will you change rule planning?

Forms? What other agencies are you working with that should be on the form.

Streamline State Master Plan.

Form dedicated project review teams for large projects.

Explaining about bringing other infrastructure projects into transportation group or should there be an infrastructure unit?

Will there be dedicated teams for particular projects? Consistent constructive methods. Lean on companies to do 101 training

Separate review corridor to allow for minor adjustments.

Initial conflict resolution should be through primary programs.

DEP needs clearer, more public predictable permit process like Highlands has. Should be able to go on web and see entire process laid out in clear steps.

Boilerplate conditions are being used inconsistently. Applicants would like more thoughtful and specific conditions on individual permits rather than the boilerplate conditions.

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Use the same specialized reviewers in their fields, ie all reservoirs, bridges, malls should have same reviewer.

Highlands has GIS site can it provide to group. It can deal with block and lot. Has data base that she is willing to share. **Web address** <http://www.highlands.state.nj.us/>

Additional information distributed

Michele Siekerka Eco Growth and Green Energy. www.nj.gov/dep/egge

Tina Layre Office of Dispute Resolution Web page. <http://www.nj.gov/dep/odr>