

Permit Efficiency Task Force Land Use Committee
DEP 3rd Floor Conference Room
401 E. State Street, Trenton
May 7, 2008
9:15 a.m.

Task Force members present: Chairman Christopher Daggett, Jack Lettiere, Jeff Tittel, Ernest Hahn, Karen Kominsky, Jane Kenny, Kim Gaddy

Others present: Mark Mauriello, Ken Ratzman, Tom Micai, Rob Piel, Rick Reilly, Virginia Kopkash, Dave Fanz, Janet Stewart, Damian Friebe, Mary Vickers, Patrick Sheppard

Jack Lettiere (JL) kicked off meeting by spelling out the goal of the work group to be to identify obstacles and craft some solutions.

The team asked for a walk through of the Land Use Regulation Division permitting process. Rather than one person describing the entire process, staff described their component of the review. As discussions were being made obstacles and issues became apparent.

Step 1 – Application Receipt

Mary Vickers described the application receipt and file creation process. She summarized that work is generally completed in about a day. The application receipt process includes opening the mail, date stamping, fee processing and handing off to Pre-Review.

Step 2 – Pre-Review (Administrative Review)

Patrick Sheppard discussed what does and does not occur during the Pre-Review process. Generally all pre-review activities are completed in about 3 to 5 days. This includes performing an administrative review (compared against the checklist provided as part of application), referring to other offices (both internal to DEP and outside of DEP), complete a location check (Highlands, Pinelands, others). Only major flaws in an application are identified at this point.

Step 3 (Technical Review and Permit Creation)

Janet Stewart covered the Coastal permitting. Janet explained that other non-standard referrals may be necessary (DOT, Water Monitoring) for certain project types. Some of the outside referrals may get response back late in the review process. Janet highlighted the difficulty of getting all of the reviews done at one time. Some information might be on ARCVIEW while other information may only be available on paper maps. Janet also explained the balancing act the PMs do in managing their projects and generally those closer to the 90 clock will get the attention. It was also noted that in some cases, the PM is ready to move forward but needs to wait for the Bulletin publication and 30 day comment period to expire. Lastly, it was noted that certain reviews ‘sit on the shelf’ intentionally as surveys or evaluations can only be done during certain seasons.

Damian Friebel covered the Flood Hazard Act (FHA) and engineering reviews. It was pointed out that engineers act as the lead on all FHA permits while the PMs act as the lead on all other actions. Both PMs and engineers act as support for all permit types. From the day the application is put on their desk, the engineer has maybe another 15 working days to identify technical deficiencies. Based on workload, there is no reasonable expectation that a thorough technical review can be completed in this timeframe. It was noted that staff turnover has created a two prong problem 1) Staff are picking up more work and 2) even if staff are hired, a significant training period is needed which takes up existing staff time. Some of these reviews need field inspections completed to verify/validate project proposals. These field visits are time consuming.

Dave Fanz covered the FWW LOI process. Over 1,000 applications, half of which need a site visit, are received and process with a staff of six people. Dave went on to note that applicants are sometimes unresponsive but an 'Intent to Cancel' letter usually gets the project moving quickly.

Step 4 – Supervisor Review

The level of supervisor involvement and the timing of supervisor interaction are variable amongst supervisors. But in most cases, reviews happen toward the middle to back end of the process.

Step 5 – Manager Review

Rick Reilly spoke concerning Manager Involvement. Rick stated they generally stay out for most projects and delegate signatory authority down. They do get involved with controversial applications and push for consistency while still using judgement.

Step 6 – Director/Asst Director Review

Tom and Rob agreed that they don't get involved in cases other than the largest of projects (Parkway, Turnpike, Xanadu, Portfields)

Issues for Future Discussion

Multiple Activity Projects – Disjointed Review

Certification Program – Is it needed? Rate/rank consultants?

'Bad' Applications – what can be done?

Administrative deficiencies - how to change culture of application submissions

Bulletin Report/Dashboard – Does public have access to ID numbers?

Use of official 'Policy Statements' to improve consistent & timely decision making

How to lighten case load to manageable workload

Identify low impact/high effort tasks – see Action Items

Action Items

DEP staff should identify specific permit actions that have low environmental impact/high staff effort that would be appropriate candidates for E-permitting.

DEP staff shall compile a list of recommendations and submit prior to next meeting.