

Office of Adjudications

Revisit/Revise Hearing Process & Rules of Practice



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The Office of Adjudications

- **Conduct hearings on permit applications –**
 - E.g., new permits, major modifications.
- **Issue proposed final decisions --**
 - Recommend Commissioner grant, grant with modifications, or deny applications.

Why this project? Why now?

- **DEP Rules of Practice**
 - 1992 – needed updates, clarifications, revisions.
- **Public Act 10-158**
 - Mandates evaluation of DEP permit process.
 - Requires analysis of hearing process and implements new or revised procedures.

Goals

- **Improve efficiencies in the hearing process** as measured by a shorter overall timeframe and/or a waste-free use of the existing steps in the process.
- Hearing process that is more **efficient and effective**.
- Enhance the ability of the Office of Adjudications to **contribute to DEP efforts regarding permitting process**.

LEAN – Kaizen Event

- Lean *Kaizen* event May 2010
 - Opportunity to review hearing process to ensure efficiency and eliminate waste.
- In Japanese, *kai* means “to take apart” and *zen* means “to make good”.
- *SO, what did we have to take apart and make good?*

Current State



Evaluation of “Current State”

- Many value added and necessary steps, BUT are **opportunities for efficiencies.**
 - Standardize some process timeframes.
 - Redesign pre-hearing processes to eliminate delays later in the process.
 - Improve education/guidance for all parties in the process, including interveners.
 - Increase use of settlement conferences where appropriate.
 - Establish more focused and efficient discovery process.



Results of Lean Kaizen Event

- **Identified and prioritized** procedures to revise/update/clarify to streamline hearing process and developed strategies for implementing improvements to hearing process.
- **Developed an implementation plan** to revise procedures to eliminate unnecessary steps and increase efficiencies in necessary steps in the hearing process.

- ***“FIND AND FLATTEN THE SPEED BUMPS”!***

Current State



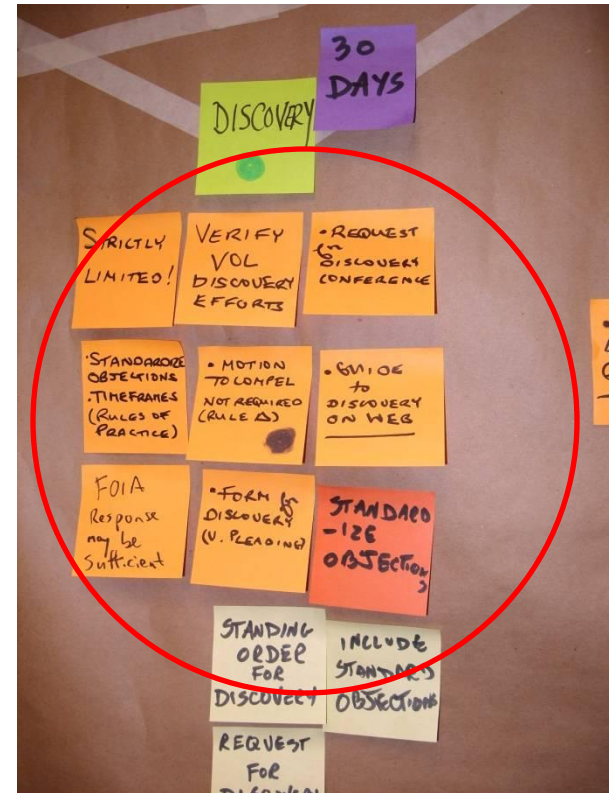
A Big Speed Bump



Improving the Discovery Process

- Parties must review application and ancillary information in DEP file before making requests for production of documents.
- All parties must discuss requests to encourage cooperation, voluntary compliance.
- Reduce or eliminate written motions process (request/objection/ruling/compliance) by holding Discovery Conferences to resolve objections.

New Efficiencies - Discovery Process



From 42-70 days to 30 days !!!

Circled ideas = opportunities to improve



What Does Good Look Like?

- Fair, impartial, inclusive and consistent process concerning relevant issues and concerns.
- Sound legal process that will stand up to legal appeals (hearing process and results in compliance with the law).
- Creation of quality and complete record.
- Quality timely decisions protective of the environment.

Project Implementation Plan

- 2-month, 4-month, 6-month, 8-month and 12-month goals --
 - Ongoing assessment, evaluation
- Process beyond 12 months
 - Revised DEP Rules of Practice -- regulations
 - Implementation of new procedures that do not require Rules revisions
 - Further consideration of “big picture” issues (e.g., public participation in adjudicatory hearings)



What We Learned about Our Process

- Our steps have *value* and are *necessary*.
- We need to *create a complete record*.
- Are opportunities to *improve process*.
- Combining existing practices in new ways will eliminate waste and increase efficiencies.
(*Don't re-invent the wheel !*)
- Education/information will improve *preparation* of parties and inform expectations of public.



What We Knew About You

- Valuable Resource
 - You are the Experts
 - Environmental media (air, water, waste)
 - Knowledge of technical complexities of law (e.g., air regs)
 - Impact of hearing process on you
 - You have the Experience – ideas for improvements

We Want to Hear from You

- Questions?
- Comments?
- Concerns?

Office of Adjudications web site and email

- www.ct.gov/dep/adjudications
- www.dep.adjudications@ct.gov