DEQ Environmental Permitting Timelines

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Outline

1. Regulatory Timeline Requirements
2. DEQ Imposed Timeline Requirements
3. Permit Writer Evaluation Criteria Based on Timelines
4. The Overall Expected Timelines for Each Type of Permit
5. Permit Application Tracking / Methodology for Determining Timeline Improvement
6. Continuous Process Improvement

1. Regulatory Requirements

- The regulatory timelines are not comprehensive and do not encompass all DEQ programs, but:
  - "Any environmental permit that is not described in this Subchapter shall be reviewed with all due and reasonable speed" [OAC 252:4-7-8(b)]

- Air Quality

- Land Protection

- Water Quality

OAC 252:4 Subchapter 7, Part 1

Applicable to all media:

- Administrative completeness review -60 days

OAC 252:4-7-31. Air quality time lines

- Construction permits:
  - PSD and Part 70 Sources - 365 days
  - Minor Facilities - 180 days
- Operating permits:
  - Part 70 Sources - 540 days.
  - Minor Facilities - 365 days.
  - Relocation permits - 30 days

OAC 252:4-7-51. Waste management time lines

- Hazardous waste applications -300 days
  - New RCRA permits or renewals
  - State recycling permits
  - Class 3 modifications
  - Closure and post-closure plans
  - Transfer station plans
- Brownfields applications - 60 days
- Solid waste applications - 90 days

OAC 252:4-7-71. Water quality time lines

- Discharges, 401 Certifications, industrial wastewater other than discharge, and sludge management plan - 180 days

- Public water supply and water pollution control construction - 90 days

- UIC applications - 300 days.

When Review Times Stop

- Litigation

- Public review and participation, comment periods, public meetings, administrative hearings

- DEQ preparation of response to comments and/or review by state or federal agencies

- Requests for supplemental information
  - NODs add 30 days to allowable processing time

- The time in which an applicant amends application

Other Considerations

- Extensions to the regulatory timelines:
  - By agreement
  - By the Executive Director, if there are "circumstances"

- Failure to meet a deadline:
  - Reassign staff
  - Retain outside consultants to conduct review
  - Applicant may agree to an extension, with refund of application fee

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2. Examples of Timeline Requirements for Permit Writers

- Air Quality

- Land Protection

- Water Quality

- Environmental Complaints and Local Services

- Note: a permit writer has multiple projects at any given time and is simultaneously subject to all applicable timeline requirements

Air Quality

- Administrative Completeness -60 days

- Draft Permit / Applicability Determinations: XXX RDI points

- Timelines designated by OAC 252:4-7-31

- Priority: first come first served, oldest permits have priority, EXCEPT: construction permits, applicability determinations, and managerial requests

Land Protection

- Solid waste/Hazardous waste/UIC permits:

  - Tier I   -30 days
  - Tier II   -60 days
  - Tier III -90 days

  [Tier designations for Land Protection are listed in OAC 252:4-7, Part 5]

- Voluntary cleanups -30 days

Water Quality

- DWSRF Engineering Reports:
  - Water distribution systems -30 days
  - Water wells -30 day
  - Water treatment plants -45 days

- Municipal Permits:
  - Administrative Review -45 days (for General Permits -20 days)
  - Minor Municipal, General and Water Reuse Permits: -50 days
  - Major Municipal Permits: -75 days
  - Responses to proposed permit comments - 25 day

- Stormwater:
  - Permit Authorizations: -14 days

- Industrial Permitting:
  - General permits -20 days
  - Coal mine authorizations -25 days
  - Administrative completeness review -45 days
  - Surface impoundment and land application -60 days
  - Minor industrial facilities -60 days
  - Major industrial facilities -75 days

- Construction Permitting:
  - Water/sewer lines: -30 days
  - Public water supply wells and water treatment facilities -45 days
  - Wastewater treatment facilities -75 days

Environmental Complaints & Local Services

- Stormwater -10 days

- Minor water system -30 days

- Onsite sewage -2 days (for applicant to be contacted and services to be scheduled)

3. Examples of Permit Writer Evaluation Criteria

- Meets Standard:
  - At least 90% (or 95%) of the reviews completed within the allotted time
  - 1-12 permit applications with no more than 1 review exceeding timelines
  - If fewer than 20 reviews are drafted, no more than 1 can exceed timelines
  - 1 permit in 75 days

- Exceeds Standards:
  - XXX or more RDI points
  - Based on quality, quantity, customer service and timeliness
  - 13 or more permit applications with no more than 1 review exceeding timelines
  - 2 or more permits in 75 days

4. So, how does all this translate to expected timelines?

Permitting & Reporting Guidance

OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY

5. Permit tracking

Air Quality
Land Protection
Water Quality
Environmental Complaints & Local Services
State Environmental Laboratory

DEQ tracking methodology - Background

- The intent was to develop a tool to compare the overall DEQ timeliness for permit processing from one year to the next

- This methodology was developed in response to DEQ's Leading the Way (LTW) effort which included a goal of reducing the overall permit processing time by 25% by a certain date

- A baseline metric incorporating several years of data prior to the start of LTW was developed

- Annual metrics for each subsequent year, and one special metric for the first year of the pandemic were developed to evaluate progress toward the LTW goals

Of note…

- Some programs are still working on improving tracking, this includes enhancing exiting software capability or developing new software

- Permit tracking methodologies have evolved over time and depend on the requirements of the federal programs. Therefore, the tracking methodology across the permitting programs at DEQ is not consistent

- The tracking methodology for the Agency (as is being presented here) was specially designed to provide meaningful analytic results given the inconsistencies in tracking across the various DEQ permitting programs

- To facilitate the year-to-year comparisons, the methodology reduces the permit tracking data for the various programs into a single agency index

- Although this analysis can be used internally to evaluate each particular program and/or each Division's progress toward improving their timelines, only the aggregate number for the agency as a whole, will be offered for public consumption, if requested

Methodology

- Established 4 permit "Categories": Cat0, Cat1, Cat2 and Cat3 based on the effort it takes to process each application

- Assigned relative indices for each Category as follows:

  Cat0 → 1, Cat1 → 5, Cat2 → 25, Cat3 → 100

- Tracked the in-house processing timeline for all applications on file for (up to) five years to establish a baseline

- After the aggregate baseline was calculated, the annual index for each subsequent year was determined for comparison

Agency Index (I_{Agency})

- j: "Category" (0, 1, 2, and 3)
- Δt_j: average time in house for each Type (not measured consistently across programs)
- n_j: number of applications in each Category
- RI_j: relative index for each Category

$$I_{Agency} = \frac{\sum_{j=0}^{3} n_j \Delta t_j RI_j}{10 \sum_{j=0}^{3} n_j}$$

Additional notes:

- The aggregate baseline and the annual agency index for each subsequent year are calculated the same way

- The index is determined for the agency as a whole; but it can also be calculated for individual types of permits, programs, or Divisions for the respective managers' internal use

I_{Agency} Results

- Baseline (5 yrs: 2014-2018): 47.3

  - 2020: 32.5
    - First year of the pandemic (5/1/20 – 4/30/21):   28.1
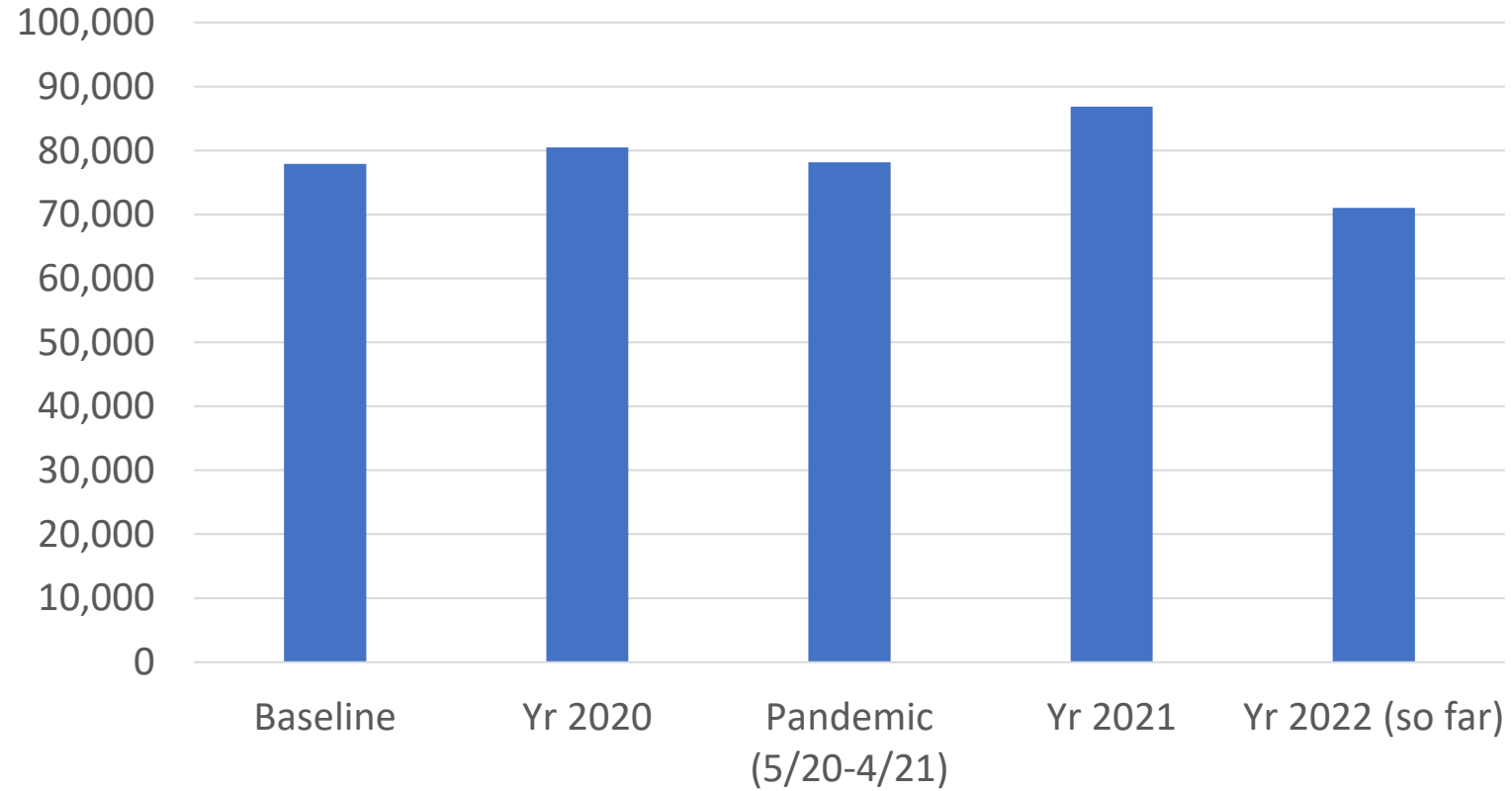 - 2021: 25.3
  - 2022 (so far): 25.1

Agency Index

Baseline (2014-2018)	47.3
Yr 2020	32.5
Pandemic (5/20-4/21)	28.1
Yr 2021	25.3
Yr 2022 (so far)	25.1
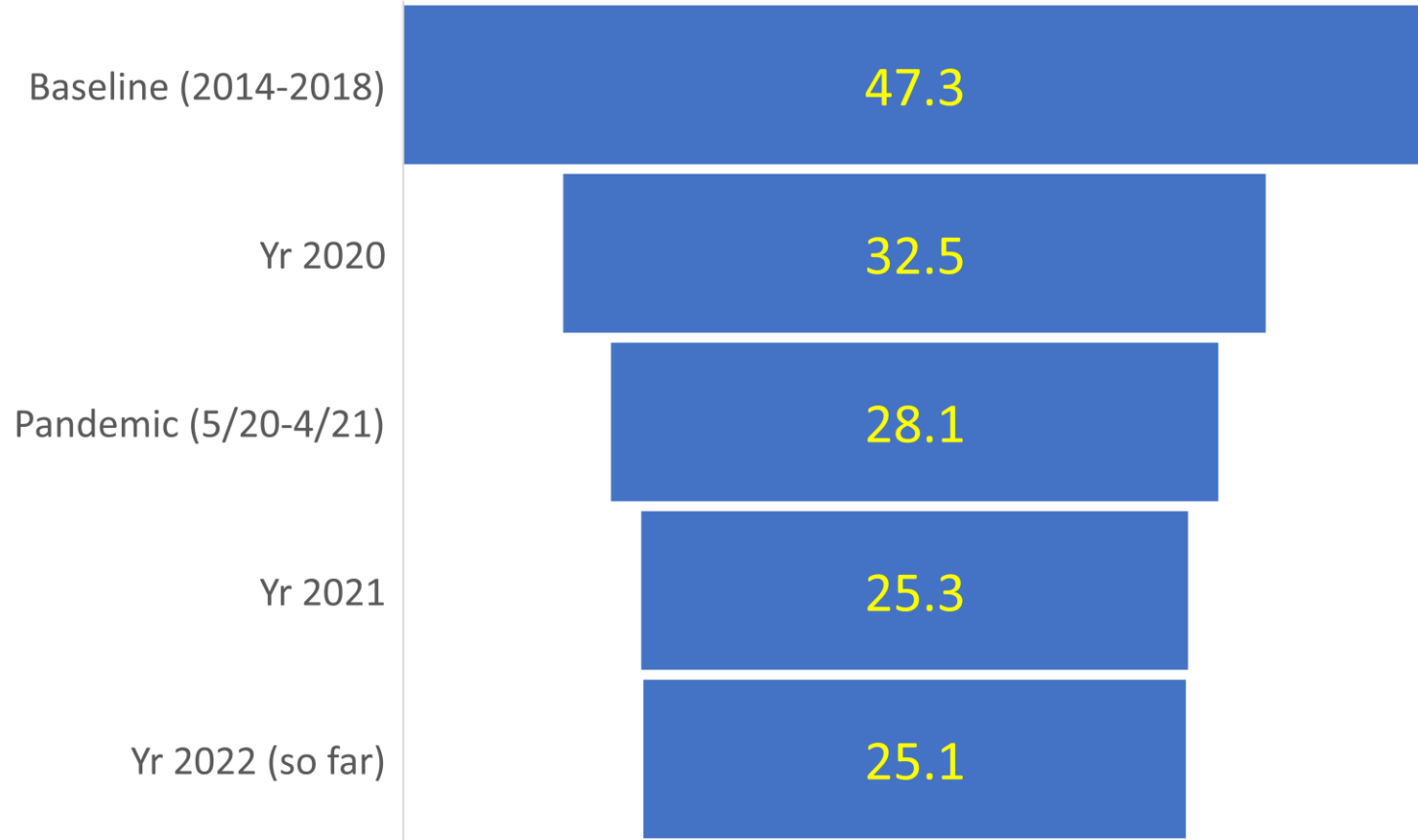
Discussion of Results

- Teleworking
- Episodic permits
- New generation of permitting managers
- Overall cleanup of the queue to address older applications
- No notable change in adjusted permit volumes

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Adjusted Permit Volume (Σn·RI)

6. Process Improvement

- Office of Continuous Improvement

  - A bottoms up approach to process improvement that has proven effective in similar organizations
  - Subject of a future EFO presentation

Question?
(If time allows…)