

US EPA ARCHIVE DOCUMENT

**Superior Environmental Results Through Innovative Land Development Technical  
Assistance and Permitting in New Hampshire  
Cooperative Agreement # EI-97188001-0  
Quarterly Progress Report  
January 1, 2010 – March 31, 2010**

**Project Synopsis**

This quarter we conducted a formal 3-day Lean event with the assistance of an outside Lean facilitator to develop the new process for DES coordinated permit reviews for Innovative Permitting Initiative (IPI) projects. We planned a second 2-day event to define a formal, structured pre-application review and assistance procedure involving DES, other state and Federal regulatory agencies, and local municipalities. In addition, we continued to research other “green” standards and to select/define best practices for IPI. In January, we met with our Advisory Group to review the proposed overall process for structured pre-application assistance and coordinated permit reviews and the varied input gathered from our research and outreach.

Please see the Narrative Discussion below and the Task Status Table for task-by-task detail on progress to date.

**Narrative Discussion**

We conducted a formal three-day Lean event as planned in January/February to define a coordinated permit review process within DES. This event was conducted with the assistance of our selected Lean consultant. A second event had been planned for March to define the pre-application process. Due to the challenges experienced with the first 3-day event, we decided to postpone the second event until April. The postponement provided time needed to (1) make some additional progress in defining the DES coordinated approach in sufficient detail to better inform the pre-application process; (2) re-design the approach for developing the pre-application process; and (3) secure the participation of outside municipal and developer representatives.

In coordination with the IPI project, IPI staff continued to work with other DES staff on several related process improvement efforts:

- **Revised Permit Acceptance and Administrative Review Processes.** IPI staff conducted several meetings as part of this Lean effort to revise the Land Resource Management administrative procedures for accepting permit applications and conducting an initial “administrative” review with the goal of bringing together 4 separate programs into a single, consistent process. Once implemented, the new administrative review process will provide a starting point for coordinated DES permit reviews under the IPI and provide greater efficiency in operations for the Land Resources Management administrative staff. IPI staff will continue to support implementation and evaluation of the new process through 2010.
- **Permit Program Coordination.** IPI staff discovered several opportunities for coordination as part of an effort to identify common program elements within Land

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Resources Management (LRM). DES' Subsurface System Bureau's (SSB) septic and subdivision applications will be modified to prompt the applicant to provide notice of Comprehensive Shoreland Protection Act (CSPA) project certification. The CSPA, revised in July 2008, requires compliance with certain rules if the proposed project is within 250 feet of a river designated for protection, a 4<sup>th</sup> order stream or a great pond (>10 acres). SSB would hold the subdivision or septic system permit until the CSPA certification is issued. This maintains consistency among LRM programs.

- **Streamlining Notifications.** Work on a unified application receipt and administrative review process and the comparison of multiple permit program requirements identified the need to ensure for consistent and efficient notice to municipalities and, when applicable, the DES Rivers Program and appropriate Designated River Advisory Committee, as required by statute. IPI staff worked closely with Land Resource Management staff to define an efficient solution that meets the statutory requirements, provides consistency across LRM programs, and does not overburden LRM staff. DES's SOP for providing notice to the Rivers program and local committees will be revised to reflect the new procedure once finalized.
- **Check Processing.** Work on the unified application receipt and administrative review process also identified an opportunity to standardize and streamline the processing of checks received with applications across the various Land Resource Management programs. In a two-day event, our lean consultant worked with a group of DES staff to define a new standard procedure that will eliminate double-keying of data and reduce/eliminate several tasks done to store and track financial data. The new check processing approach is only possible because the application receipt/administrative review event defined a new approach that ensured all applications would be processed on the same day they are received.

In January, IPI staff gave a presentation summarizing the focus group discussions as well as "lessons learned" from conversations with other states on their permit coordination and permit streamlining activities to the IPI Advisory Group and to a NH Legislative Study Commission looking at land use regulation and resource protection. This presentation also included a description of the overall proposed approach to be implemented under the IPI.

Based on input from the IPI Advisory Group, IPI staff revised the draft overall process to identify a two-stage pre-application process: (1) conceptual review & discussion and (2) technical design review. This overall process articulates, in general terms, the steps the applicant, the municipality, and the DES will follow from project conception, initial information gathering, pre-application meetings, and final permit review and provided the basis for work this quarter to more specifically define each step.

Our efforts continued on the task of defining best land development practices for four topic areas: location choice/site selection, stormwater management, energy efficiency, and water conservation. There are several challenges in completing this task. One of the challenges is difficulty in comparing the various standards available because they are typically measured from different baselines (e.g., it is difficult to compare a standard that calls for treating the first 1 inch of rainfall to a standard that call for treating 70-90% of the total volume of rainfall). In addition,

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with recent changes to New Hampshire’s building code to adopt higher energy efficiency and water conservation standards, several “green” standards appear to be outdated. Similarly, because NH recently strengthened its stormwater treatment requirements under its Alteration of Terrain rules, New Hampshire’s base requirements meet or exceed several elements of existing “green” standard requirements for stormwater management. Finally, the criteria for location choice/site selection used by several “green” standards require a minimum density of development that would preclude the vast majority of New Hampshire communities from participating. As a result, for energy efficiency and water conservation we have sought to identify the highest available green standard with broad acceptance among various professional organizations that exceeds the base building codes recently adopted by New Hampshire. For location choice/site selection and stormwater management, a combination of existing “green” standards and NH-specific criteria will be pursued.

This quarter we determined that there was no existing IT tool or approach available within DES to support the open and electronic communication of permit application materials and correspondence that we desire as part of the IPI. Therefore, we explored using eStudio, an internet-based tool for document sharing and project management. eStudio appears to be able to support the needs of the IPI for the pilot stage, but will require duplicative tracking with the existing permit databases used by the permit programs. The full implementation of the IPI approach beyond the pilot stage will require additional IT commitments to function efficiently.

In terms of the schedule for the project, we are currently about five months behind the new timeline previously proposed for the various tasks under the project. The primary reason for the delay from the previously revised timeline is the decision to solicit outside consultant assistance in the development of the specifics of the new processes, which added about four months to our timeline. Additionally, it is clear that the tasks undertaken as part of this project, including the development of a new coordinated pre-application and permitting procedure together with the identification of appropriate best practice standards, are significantly more challenging than anticipated in the original project workplan and timeline. However, although our timeline has extended, the work is being completed effectively and, as of this quarter, we have made significant progress toward the completion of draft materials defining the IPI approach. Based on the progress to date, we have provided a revised timeline for each task in the project task table. The revised timeline represents our current goal for putting the pilot program in place, but may need to be adjusted depending on the feedback received in May and June on the proposed approach.

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**Project Tasks and Status**

<b>Task #</b>	<b>Task Name</b>	<b>Task Description</b>	<b>Start Date (bold = revised 4/10)</b>	<b>End Date (bold = revised 4/10)</b>	<b>Task Status/Activity this Quarter</b>
	Pre-Administration	Formal Acceptance of Grant by NH Governor and Executive Council	EPA grant award (approx. Oct 1, 2008)	Jan 14, 2009 (Approx 45-60 days after EPA grant award)	<ul style="list-style-type: none"> <li>Completed in prior quarters.</li> </ul>
1	Form Innovative Permitting Advisory Group	Establish and Support Core Advisory Group	Project start (officially is NH G&C approval on 1/14/09)	Formed April 2009/ On-going	<ul style="list-style-type: none"> <li>Advisory Group meeting held January 8, 2010.</li> <li>Jan 2010 meeting focused on a review of the draft overall project development and review process for IPI projects and summary of focus group comments and “lessons learned” from other states.</li> </ul>
2	Recruit DES Pilot Staff	Identify and Solicit Participation of DES Project Staff (Permitting and Technical Assistance)	Project start	12 months (completed at 14 mos)	<ul style="list-style-type: none"> <li>DES staff teams participated in various lean events to develop the new IPI procedures and make other process improvements within Land Resources Management.</li> <li>Specific staff from each targeted program selected and secured to work with IPI projects.</li> </ul>
3	Identify Needs and Recruit Consultants	Identify Needs and Secure Required Consultant Support	2-4 months	On-going/ grant completion	<ul style="list-style-type: none"> <li>No action this quarter.</li> </ul>

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4	Develop a Coordinated Permitting Procedure	DES Permit Process Evaluation and Coordination Strategy Development	Project start	<b>14 months for draft/ 18 months for final (July 2010)</b>	<ul style="list-style-type: none"> <li>Working with a team of DES staff and our Lean facilitator, developed a proposed process for coordinated DES review of final permit applications for IPI projects.</li> <li>IPI coordinated review DES staff proposed and confirmed by senior management.</li> <li>On-going work to develop supporting materials (e.g., SOP, joint IPI application, MOA for applicants).</li> <li>With consultant assistance, identified a coordinated and streamlined approach to process checks submitted with permit applications. Unified the process across programs within Land Resources Management.</li> <li>Continued work to implement a coordinated application receipt and preliminary review process to combine and standardize the process across 4 programs.</li> </ul>
5	Develop DES Pre-application Meeting Process	Pre-Application Meeting Requirements and Processes (for DES and applicants)	Project start	<b>15 months for draft/ 18 months for final (July 2010)</b>	<ul style="list-style-type: none"> <li>Planned 2-day event for April 2010 involving internal (DES) staff from applicable programs and external representatives to define pre-application outcomes, steps, activities, and coordination between Federal, state, and local authorities.</li> <li>Developed a preliminary two-step pre-application process based on input from Advisory Group, focus groups, and discussions with other states as a starting point for the focused 2-day event in April.</li> </ul>

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Task #	Task Name	Task Description	Start Date (bold = revised 4/10)	End Date (bold = revised 4/10)	Task Status/Activity this Quarter
6	Define Guidelines and Information on Best Practices	Identify standards for higher environmental performance of land development projects	Project start	<b>15 months for draft/ 18 months for final (July 2010)</b>	<ul style="list-style-type: none"> <li>Continued research to understand and compare alternative available “green” standards and identify proposed best practice standards for qualifying for IPI for energy efficiency, water conservation, stormwater management, and location choice/site selection.</li> <li>Planned a meeting with EPA Project Manager to review best practice standards.</li> </ul>
7	Develop Enhanced Technical Assistance Process	Develop guidance and procedures for providing technical assistance on higher environmental performance standards	<b>14 months</b>	<b>18 months for draft/ 24 months for final</b>	<ul style="list-style-type: none"> <li>We have begun to collect ideas for providing enhanced technical assistance to participants (e.g., company mentors, agreements with low-cost technical advisors). Additional work on this task will follow completion of the draft program materials and procedures.</li> </ul>
8	Develop Development Project Evaluation Procedures	Develop procedures for evaluating the environmental performance of development projects	<b>8 months</b>	<b>15 months for draft/ 18 months for final</b>	<ul style="list-style-type: none"> <li>Research on best practices includes considering how the implementation of various practices might be demonstrated and the effect of using the best practices measured or estimated during the application process and after construction.</li> </ul>
9	Develop Pilot Program Materials and Outreach	Develop informational materials on the pilot program and procedures	4 months	<b>14 months for drafts  18 months for final/ ongoing</b>	<ul style="list-style-type: none"> <li>No action on this task this quarter.</li> </ul>

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10	Identify and Recruit Participants	Solicit potential participant municipalities and developers (applicants) to participate in pilot	4 months	On-going	<ul style="list-style-type: none"> <li>Conducted initial outreach to developers/developer representatives and communities that have expressed interest.</li> </ul>
11	Plan and Conduct Public Involvement	Develop and implement a plan to ensure broad public input to pilot program development and implementation (incorporates elements of other tasks)	Project start	On-going/ grant completion	<ul style="list-style-type: none"> <li>Began planning for next set of focus groups with municipal, environmental, and developer/contractor representatives, organized and facilitated by the Regional Planning Commissions (assistance paid for under another funding vehicle).</li> <li>Met with the NH Municipal Association and secured their involvement in communicating with municipalities and developing program materials.</li> </ul>
12	Conduct Project Pilots	Process pilot program participants through pre-application meeting, provision of technical assistance, and coordinated permitting (target: 20 projects)	<b>18 months - ongoing</b>	On-going/ grant completion	<ul style="list-style-type: none"> <li>No action.</li> </ul>
13	Evaluate Pilot Program, Develop Case Studies, and Transfer Innovation	Evaluation and Reporting of Benefits, Challenges, and Opportunities of Pilot Program	6-8 months	On-going/ grant completion	<ul style="list-style-type: none"> <li>As part of defining new IPI procedures, the work teams identified specific goals and measurements to use to evaluate the operation and effectiveness of the new processes.</li> </ul>



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Task #	Task Name	Task Description	Start Date (bold = revised 4/10)	End Date (bold = revised 4/10)	Task Status/Activity this Quarter
14	Report Progress and Project Administration	Periodic reporting, recording keeping, quality assurance, and overall project management	3 months	On-going/ grant completion +120 days	<ul style="list-style-type: none"><li>Fifth progress report submitted January 22, 2010.</li></ul>

### **Projection of Future Activities**

Next quarter we will conduct a second 2-day workgroup session to define the new pre-application process and procedures under IPI and continue work on developing supporting materials to implement the new processes (e.g., instructions, application). Additional facilitated sessions will be held as needed. In addition to completing the development of the new coordinated and structured processes for IPI projects, we will proposed a set of draft best practice standards for energy efficiency, water conservation, stormwater management and location choice/site selection. Once we determine how the expected environmental benefits can be estimated we will update our QAPP.

We will meet with our Advisory Group in May to review the proposed standards and procedures, conduct a second series of focus groups and presentations on the proposed process in May and June, and begin to solicit interested municipalities and developers to pilot the program. In addition, we will provide direct outreach to individuals and organizations on our stakeholder list and update our website to communicate our progress and concepts to date and solicit input.

We will continue to assist staff with steps to implement the new combined administrative review process for the 4 target permit programs

### **Financial Report**

Through December 30, 2009, we have expended \$105,869 of the grant award (approximately 38% of the grant award). The breakdown of expenditures is reported in the table below.

Time expended by state-funded personnel on the project is being tracked using a specific timesheet code. During this quarter, \$23,695 in match was recorded. The total value of match time to date is \$96,979 (which equals around 48% of total project cost to date).

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Expenditures and Match Totals to Date

Object Class Category	Approved Budget	Expended from Grant	Match	Total Project Cost to Date
1. Personnel	\$236,848	\$57,935	\$64,144	\$122,078
2. Fringe Benefits	\$133,866	\$31,554	\$32,197	\$63,751
3. Travel	\$2,600	\$237	\$0	\$237
4. Equipment	\$1,800	\$1,716	\$0	\$1,716
5. Supplies	\$4,508	\$1,379	\$0	\$1,379
6. Contractual	\$51,500	\$12,200	\$0	\$12,200
7. Construction	\$0	\$0	\$0	\$0
8. Other	\$16,411	\$251	\$0	\$251
9. Total Direct Charges	\$447,533	\$105,272	\$96,341	\$201,613
10. Indirect Costs	\$12,186	\$597	\$638	\$1,235
11. Total	\$459,719 (Share: Recipient: 40.18%; Federal: 59.82%)	\$105,869 (Share: 52%)	\$96,979 (Share: 48%)	\$202,848 (44% of Budget)
12. Approved Assistance Amount	\$275,000	38% Expended		