

December 3, 2012

Dear Applicant,

This past Spring, the Department of Energy and Environmental Protection (“the Department”) conducted a LEAN Kaizen event focused on the processes used to review applications submitted to the Underground Storage Tank Petroleum Clean-up Program. The event involved Program Staff and consultants that prepare applications for submittal to the Program. I am pleased to report that as a result of this examination, the Department will be making certain adjustments to the application review process that will not only help to quickly identify any shortcomings in an application, but should also ensure greater consistency in the time it takes to complete that review. Note that the adjustments resulting from this LEAN event are separate and apart from any changes in the application review process resulting from the legislative revisions in Public Act 12-1 of the June 12th Special Session.

As of **December 10, 2012**, the Department will begin use of the attached modified Application Initial Screening Form (“the form”). This form has been used in the past however it has been modified to consider six main categories for completeness. The six categories include: signed application form, milestone report, compliance evaluation form, signed invoice summary form, invoices, and documentation of any insurance and settlement that may pay for remediating the release. Program Staff will continue to perform an initial review of an application for completeness. Completeness simply means all the required components of an application are present; I emphasize here, that this initial screening **does not** entail or include any substantive review of an application. For example, this initial review will identify if a compliance evaluation has been submitted with an application. If a compliance evaluation has been included, it will not be reviewed as part of this initial screening. Rather, this initial screening will be limited to identifying whether a compliance evaluation has or has not been submitted with an application. If this review identifies a deficiency in any one of the six main categories noted above, Program Staff will note this on the form, send the form with the deficiency identified to the applicant and request the applicant address these deficiencies within **20 days**. If the due date falls on a weekend or holiday then staff will establish the due date as the next business day. If such deficiencies are not addressed within 20 days, the application will be considered as incomplete and the applicant’s place in line for Staff review will not be held. There will be no further review of the incomplete application at this point in time. This allows staff to move on to other pending applications without delay.

While a determination of incompleteness will not prevent an applicant from resubmitting a new application that includes the missing information, any such new application will be considered submitted on the date the new application is submitted. Applicants who may be concerned with ensuring that an application is submitted within a statutory deadline should keep this in mind. Also, as of December 10, 2012, after a completed application has been reviewed, the attached Staff Recommendation (formerly known as the Summary of Claim) will be sent to the applicant or their identified contact person with a corresponding cover letter. The applicant or its contact person will then have **15 days** to either acknowledge acceptance of the Staff Recommendation or address outstanding issues, including fiscal

issues that may be raised by the recommendation. If the due date falls on a weekend or holiday then staff will establish the due date as the next business day. Applicants are also encouraged to promptly call staff concerning their course of action. The attached modified Applicant Response Form (formerly known as the Consent Form) has been developed to be used when an applicant is in agreement with Staff's recommendation. Usage of the Applicant Response Form facilitates staff processing of an application and also serves to notify the Department as to whether an applicant requests further discussions concerning staff's recommendation.

Finally in addition to the LEAN initiative noted above, applicants should also note that with the changes made by Public Act 12-1 of the June 12th Special Session, the Commissioner will now make decisions on applications. This will streamline and shorten the time needed for decisions on an application. If the applicant does not agree with a Staff Recommendation, the applicant will have an opportunity to discuss the application with Department management before a decision on the application is made. Of course, after a decision on an application is made, the applicant can still request an administrative hearing within 20 days.

The matters noted above will improve the application review process. Deficiencies in applications will be brought to an applicant's attention more quickly for correction. In addition, using the past as a guide, in the vast majority of cases Program Staff and the applicant agree on the disposition of an application. Use of the Staff Recommendation and Applicant Response Form noted above, coupled with the Commissioner's approval authority, will certainly streamline the approval process and allow these applications to be approved without delay.

If you have any questions or concern about these new procedures please feel free to contact me or my Staff at (860) 424-3336 or 3370.

Sincerely,

Jacques Gilbert
Supervising Environmental Analyst

Attachments (4)
Application Initial Screening Form
Staff Recommendation with Letter
Applicant Response Form