Step 4: Final Decision When Can DEC Make a Final Decision? Minor Projects:

DEC must make a permit decision on minor projects within 45 days of determining the application complete.

Major Projects:

- I. If no hearing is held, DEC makes its final decision on the application within 90 days of its determination that the application is complete.
- 2. If a hearing is held, DEC notifies you and the public of a hearing within 60 days of completeness determination, and the hearing must begin within 90 days of the completeness determination.

Once the hearing ends, DEC must issue a final decision on the application within 60 days after receiving the final hearing record.

Who Makes the Final Decisions on Applications?

The Regional Permit Administrator normally issues permits for projects not requiring a public hearing.

Generally, the Commissioner makes the decision if DEC holds a public hearing.

What Happens If DEC Does Not Act Within the Uniform Procedures Act Time Periods?

Time periods may be extended by mutual written consent of the applicant and DEC. If DEC fails to make a final decision within the required time period, you can notify the Chief Permit Administrator at DEC, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750, by certified mail, of that failure. DEC must then mail its decision to you within five working days or else the permit is deemed granted, subject to standard conditions.

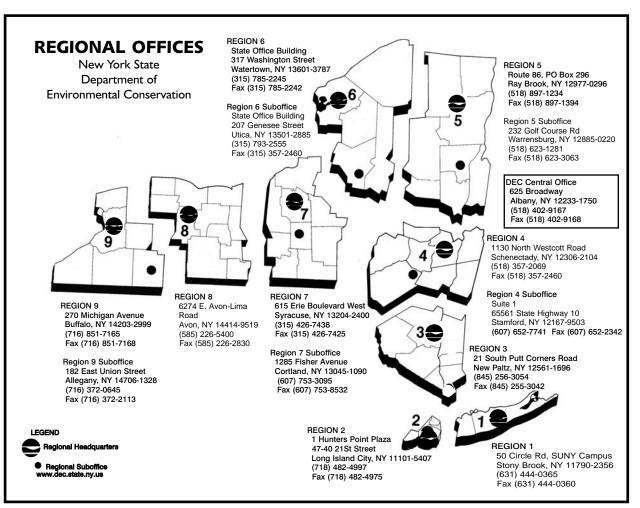
Once I Get My Permit, Will I Be Able to Renew, Modify or Transfer It, if Necessary?

Yes. Any request to renew, modify or transfer a permit must be in writing. Requests for permit transfers require completion of a short **DEC Application** for **Permit Transfer** form. DEC must then make its decision within 15 days.

In the case of a modification, the request must include an explanation of the reason for the proposed change. In cases involving substantial modifications to a project, DEC may decide that a renewal or modification will be treated as a new application.

Specific Questions?

Contact DEC's Environmental Permits at the appropriate regional office.



C:Permits/apply for permi t2003



HOW TO APPLY FOR A DEC PERMIT

Applicant's Guide to the Uniform Procedures Act



New York State
Department of Environmental Conservation
George E. Pataki, Governor
Erin M. Crotty, Commissioner

What is the Uniform Procedures Act?

The procedures for administering the Department of Environmental Conservation's key regulatory permits are standardized in the Uniform Procedures Act, Article 70 of the Environmental Conservation Law (ECL). The Act provides time frames and procedures for:

- filing and reviewing applications
- providing public notice
- holding public hearings
- reaching final decisions

The Act is intended to:

- ensure a fair, timely, thorough review
- eliminate inconsistent procedures
- encourage public participation

How Do I Apply for a Permit?

Step I: File an Application

Step 2: Respond to DEC Comments

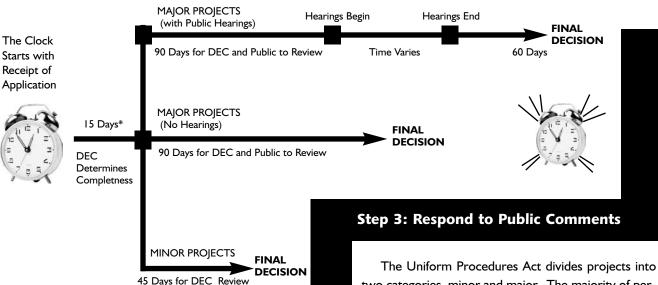
Step 3: Respond to Public Comments

Step 1: File an Application

Obtain appropriate application materials, including application form and instructions from any DEC regional office. Contact the regional Environmental Permits staff in DEC for advice on completing the forms and on any other requirements to complete your application.

Request a preapplication conference with DEC staff to clarify project objectives, clarify DEC requirements, get a preliminary reaction to your proposal and discuss alternative approaches. Be willing to adjust your project proposal to meet DEC requirements.

File the application with the Regional Permit Administrator.



Step 2: Respond to DEC Comments

A complete application will generally include the appropriate application form, location map, plans, report and environmental assessment prescribed by DEC.

The Department must notify you if your application is complete within 15 days, **except*** in the case of hazardous waste management facilities, certain wastewater discharges and certain air permit applications, for which DEC has 60 days.

Prepare a thorough, accurate application, fully justified and clearly represented on plans, to prevent multiple information requests and reviews by DEC.

If the application is incomplete, you will be told what else is needed. When you respond, the above time frame for DEC review will again apply.

The Uniform Procedures Act divides projects into two categories, minor and major. The majority of permit applications to DEC qualify as minor projects which do not require public review.

If your project is major, then the project is subject to public review, as follows:

- I. A Notice of Complete Application is published in the *Environmental Notice Bulletin (ENB)*. You must also publish this Notice in a local newspaper.
- 2. The public must submit any comments before the deadline in the Notice which, for most projects, is at least 15 days after the date the Notice is published.
- 3. DEC decides whether to hold a public hearing. Before DEC makes this decision, you may be asked to provide DEC with responses to public comments.

Prepare clear and informative responses which address public concerns and seriously consider recommendations. This will reduce the likelihood of a public hearing.

Step 4: Final Decision

PERMIT OR DENIAL

What Permit Activities are Subjected to the Uniform Procedures Act?

- Stream disturbance
- Dam construction or repair
- Dock and mooring construction
- Excavation or filling in navigable waters
- Public water supply or Long Island wells
- Activities along Wild, Scenic and Recreational Rivers
- Projects requiring a Water Quality Review Certification to obtain a federal permit
- Wastewater discharges regulated under the State Pollutant Discharge Elimination System (SPDES) law
- Activities involving freshwater or tidal wetlands or coastal erosion hazard areas
- Construction and operation of sources of air pollution
- Construction and operation of solid or hazardous waste management facilities and certain waste transporters
- Mining