

# Wetlands Program Policy 87-1: Expedited Review

Expedited Review: Policy Relating to the Expedited Review of License, Approval, or Permit Applications  
(same as current MassDEP Policy CO93-1; DWW Policy 87-1)

Issued: December 8, 1987

Revised: March 1, 1995

## Applicability

The following policy is applicable to all MassDEP Programs excluding those administered by the Bureau of Waste Site Cleanup, effective April 15, 1993.

## Policy

Generally, the Department of Environmental Protection (MassDEP) policy regarding the review of applications for licenses, approvals, and permits and adjudicatory hearings concerning such licenses, approvals, and permits is to consider them in the order in which they are received. Exceptions to this chronological review procedure can be made when, in adjudicatory hearings, enforcement cases are prioritized over permit appeals, with permit applications where a fee refund would result in an application were to await chronological review or in the limited number of cases where there is a substantial public interest at stake and a formal request to expedite the review is granted. At least one of the following criteria must be the basis for approving such a request.

1. The application involves a project of *significant public benefit* - for example, the construction of a new municipal water supply, a public water transportation terminal, a public recreational facility, elderly housing project, or;
2. The application involves a project that will result in a *significant improvement of environmental quality* - for example, a hazardous waste site cleanup, a landfill capping project, municipal wastewater treatment facilities, or;
3. The application involves a project that will *reduce or eliminate a demonstrated threat to the public health or safety* - for example, the installation of a new flood control structure, upgrading substandard and hazardous road intersections or publicly funded erosion control structures.

## Procedure for Requesting Expedited Review:

All requests for expediting must be in writing, must indicate the time frame sought for a MassDEP final determination and must clearly explain the urgency; why the public benefit will be lost or the public harm increased if review of the license or permit is not expedited. For projects proposed by private applicants, the request must also include a letter from an appropriate public agency certifying in sufficient detail and documentation the public benefit and purpose to be served by the project and verifying the

urgency of the request. Requests should include the transmittal number (or file number) of the application for which expedited review is being sought.

For a license, permit or approval issued by a MassDEP Regional Office, requests for expedited review should be addressed to the Regional Director of the issuing office.

For licenses, permits, or approvals issued through MassDEP's Boston Office or the Lawrence Experiment Station, requests should be made to the Deputy Commissioner for Operations, One Winter Street, Boston, MA 02108.

Request for expediting adjudicatory hearings should be directed to the MassDEP General Counsel, One Winter Street, Boston, MA 02108 and should include provisions by the requesting party for stenographic transcription of the final hearing in the case.

#### Administration of Policy

This policy supersedes MassDEP Commissioner's Memorandum, "Expediting Policy for Non-Wetlands/Waterways Permitting Cases," June 27, 1990; Wetlands Protection Program Policy 87-1 and Waterways Licensing Program Policy 87-1, "Requests for Expedited Review of License and Permit Applications." December 8, 1987.

The following conditions apply to cases where expedited review is sought:

1. The decision to expedite review of an application shall not in any way preclude a thorough review of that application nor should it imply support for or an eventual approval of the proposed activity or project.
2. The decision on whether to expedite a specific review lies solely with the Deputy Commissioner, General Counsel or respective Regional Director.
3. The technical review of applications approved under this policy will not be different in substance from permits reviewed in the sequence of submittal.
4. If approved for expedited review, effort will be made, where legal, practical and appropriate, to render a determination by the decision date requested, however, no decision dates can be guaranteed.
5. Expediting requests are to be considered independent of fee-paying/exempt status.

A tracking system has been established within the Commissioner's Office to prevent abuse of the expediting process and to identify potential permitting problems. Accordingly, copies or notification of all expediting requests and determinations must be submitted to the Deputy Commissioner for Operations for inclusion in this system.

Documentation is the responsibility of the approving authority. Written determination of expedite requests will be sent to the party requesting the expedited review and all other parties to the Department proceeding in which the request is made. Suitable notification will also be given to the relevant Assistant Commissioner, Division Director and Permit Manager.