

**CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

HOW THE PROCESS WORKS – PERMIT HEARINGS

All proceedings will be conducted according to the [DEEP Rules of Practice](#), Regs., Conn. State Agencies (R.C.S.A) §§22a-3a-2 through 22a-3a-6, and applicable provisions of the Uniform Administrative Procedure Act, General Statutes §§4-166 through 4-189. The Office of Adjudications provides written guidance on the hearing process on its [website](#).

1. DEEP staff will issue a [Notice of Tentative Determination](#). This notice outlines the filing deadline and requirements for a Petition for a Hearing. The Office of Adjudications does not track pending applications.
2. A permit matter may be initiated by:
 - a. The request of the Commissioner
 - b. A request for Hearing from the Applicant
 - c. A [petition for hearing](#) that contains 25 signatures. Petitions for hearing may be submitted electronically to DEEP.Adjudications@ct.gov or mailed to the DEEP Office of Adjudications, 79 Elm Street, Hartford, CT 06106.
 - i. If the signed original petition is only in electronic format, it must be submitted with a statement signed by the petitioner that it exists only in that form. Original petitions filed electronically must also be mailed or delivered to the Office of Adjudications within 30 days of electronic submittal.
3. The Office of Adjudications will review the request or petition for timeliness and sufficiency, and the Hearing Officer will issue a Notice of Status Conference upon acceptance.
4. The Status Conference will be set for a date after the close of the filing deadline for a Petition for Hearing.
 - a. The petitioner's representative is **not** a party to the proceeding but should attend the Status Conference to discuss the petition and be aware of the hearing schedule.
5. Ex Parte Communication
 - a. Any communication with the hearing officer **must** include all parties and the petitioner.
 - b. The Hearing Officer can only base a decision on information submitted by the parties and admitted into the record and should not be cc'd on correspondence from members of the public to the parties or provided information outside of the record.
6. All filings should be submitted electronically to the Hearing Officer pursuant to the [Office's E-filing Policy](#) and served on all parties with a courtesy copy to the petitioner.
7. Parties
 - a. Automatic Parties to a Permit Hearing:
 - i. Applicant
 - ii. DEEP staff
 - b. Intervention
 - i. Intervening party status is granted pursuant to statute if the requirements set out in that statute are satisfied or if a written request states facts that show that a person or organization's legal rights, duties, or privileges will or may reasonably be expected to be affected by the decision in the proceeding, or that their participation is necessary for the proper disposition of the proceeding.
8. Hearing Events:
 - a. Status Conference

- i. The purpose of this meeting is to schedule the public and evidentiary hearing and site visit, set hearing deadlines, and discuss hearing procedures.
 - ii. This is a public meeting but not an opportunity for public participation.
 - b. Pre-Hearing Exchange of Information
 - i. According to a deadline set by the Hearing Officer and before the evidentiary hearing, parties shall exchange and file with the Hearing Officer the following:
 1. A list of the legal issues
 2. A list of proposed witnesses
 3. A list of proposed exhibits, including pre-filed testimony
 4. Proposed Exhibits
 - c. Pre-Hearing Conference
 - i. The purpose of this meeting is to address the hearing documents filed by the parties and address any procedural matters before the evidentiary hearing.
 - ii. This is a public meeting but not an opportunity for public participation.
 - d. Site Visit
 - i. The purpose of the Site Visit is for the Hearing Officer to view the site locations, features, and characteristics relevant to the permit and the hearing. No testimony will be taken at the Site Visit, and any substantive questions about the site will be reserved until the Evidentiary Hearing.
 - ii. The Site Visit is held either at the parties' or the Hearing Officer's request, and it is not required by statute or held for every hearing.
 - iii. This is a public meeting but not an opportunity for public comments or public participation.
 - e. Public Comment Hearing
 - i. Each party will make a short presentation relevant to the draft permit(s).
 - ii. Members of the Public will have the opportunity to present public comments. Each member of the public is afforded three minutes to present the public comment.
 - iii. Written public comments will be accepted following the public hearing, pursuant to the Hearing Officer's deadline.
 - iv. This is not a question-and-answer session.
 - v. The Hearing Officer will consider all public comments. Public comments are not evidence that the Hearing Officer can rely on to make a final decision but are a part of the administrative record for the case.
 - f. Evidentiary Hearing
 - i. The parties' presentation of their direct cases, including exhibits and witnesses and cross-examination.
 - ii. This is a public meeting, not an opportunity for public comment or participation.
 - g. Post Hearing Submissions
 - i. Upon the close of the evidentiary, the parties are directed to file post-hearing briefs.
 - h. Proposed Final Decision
 - i. The Hearing Officer will issue a Proposed Final Decision, making a recommendation to the Commissioner.
 - ii. All Proposed Final Decisions will be posted on the [Adjudication's website](#).
 - i. Exceptions and Oral Argument
 - i. The parties may waive their rights to file exceptions, and if all parties do so, the Hearing Officer may issue a Final Decision

- ii. Pursuant to R.C.S.A. §22a-3a-6(y)(3), a party may file exceptions to the proposed final decision within 15 days after it has been issued. They may also ask the Commissioner to hear oral argument on those exceptions.
- j. Final Decision
 - i. If no exceptions are filed or parties waive their right to file exceptions, the Hearing Officer may issue a Final Decision.
 - ii. The Commissioner or her delegatee will issue the Final Decision if exceptions are filed.
 - iii. All Final Decisions will be posted on the [Adjudication's website](#).
- k. Appeal
 - i. As allowed by law, the parties have the right to appeal all final decisions to the Superior Court.

Notice: This document is intended to provide basic information to the public; it is not intended to be legal advice and should not be considered as such. The Office of Adjudications cannot provide any advice regarding participation in the hearing process or discuss specific cases. Legal assistance should be provided by an attorney.