

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

HOW THE PROCESS WORKS – CONTESTED PERMIT HEARINGS

All contested proceedings will be conducted according to the [DEEP Rules of Practice](#), Regulations of the Connecticut State Agencies (R.C.S.A) [§§22a-3a-2 through 22a-3a-6](#), and applicable provisions of the Uniform Administrative Procedure Act, Connecticut General Statutes [§§4-166 through 4-189](#).

The information below provides an overview of the process. 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, and legal assistance should be provided by an attorney.

1. DEEP staff will issue a [Notice of Tentative Determination](#). This notice sets forth the filing deadline and requirements for a Petition for a Hearing. The Office of Adjudications does not track pending applications.
2. Pursuant to § 4(a) of P.A. 25-84, an applicable hearing on a licensing application will be conducted as a public informational hearing and will not be subject to the requirements of the Uniform Administrative Procedure Act (“UAPA”), unless the petition requesting the hearing satisfies the requirements contained in § 4(b) of the Act, which states:

“A hearing shall be subject to the requirements of chapter 54 of the general statutes if the petition sets forth specific facts that: (1) Demonstrate that the legal rights, duties or privileges of at least one person who signed the petition will be, or may reasonably be expected to be, affected by the decision, or (2) satisfy the requirements to intervene as a party pursuant to section 22a-19 of the general statutes.”
3. A contested matter may be initiated by:
 - a. A [petition for hearing](#) that contains 25 signatures, or the signatures required by statute, and a supportive filing addressing the requirements of P.A. 25-84, Section 4(b). Petitions and all supportive filings for hearing must be filed electronically via the DEEP Office of Adjudication’s E-Filing system, <https://deep-adjudications-cms-efile.ct.gov/>.
 - 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.
 - b. At the request of the Applicant.
4. Upon the filing of a Petition for Hearing pursuant to P.A. 25-84, the Applicant will have ten days to file a response, and upon such filing, the Petitioner will then have seven days to file a reply.
5. The Office of Adjudications will review the petition for timeliness and sufficiency and make a hearing determination pursuant to P.A. 25-84.
6. If accepted, the Hearing Officer will issue a Notice of Status Conference.

7. Ex Parte Communication
 - a. All filings and communications should be submitted through the Office of Adjudication's E-Filing System.
 - b. Any communication outside of the E-Filing System is prohibited.
8. All filings should be submitted electronically to the Hearing Officer pursuant to the Office of Adjudication's [E-filing Policy](#).
9. Parties
 - a. Automatic Parties to a Contested Permit Hearing:
 - i. Applicant
 - ii. DEEP Staff
 - b. Intervening Party
 - i. Party status granted pursuant to statute
10. Hearing Events:
 - a. Status Conference
 - i. The purpose of this meeting is to schedule the public and evidentiary hearing and potential site visit, set hearing deadlines, and discuss hearing procedures.
 - ii. The Status Conference will be set for a date after the close of the filing deadline for a Petition for Hearing.
 - iii. 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 comment 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 a 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 will present their direct cases, including exhibits and witnesses, and cross-examination.
 - ii. This is a public meeting, but not an opportunity for public participation.
- g. Post Hearing Submissions
 - i. Upon the close of the evidentiary hearing, 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.
- 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 arguments on those exceptions.
- j. Final Decision
 - i. If no exceptions are filed or the parties waive their right to file exceptions, the Hearing Officer may issue a Final Decision.
 - ii. The Commissioner or her delegee will issue the Final Decision if exceptions are filed.
- k. Appeal
 - i. As allowed by law, the parties have the right to appeal all final decisions to the Superior Court.
- l. All filings, rulings, decisions, and hearing activity for cases initiated after April 2026 can be accessed through DEEP's Docket Portal (<https://deep-adjudications-publicportal.ct.gov>). Members of the public can subscribe to a case and receive email notifications for all docket activity. Interested members of the public can submit written public comments through the docket portal and view all comments submitted on a matter.

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