



# EnCon eyes permit process changes

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Proposed revisions to state Department of Environmental Conservation regulations governing permit applications and public hearings will be the topic of a public hearing at 7 p.m. Monday in Rotterdam Town Hall.

According to Del Palmieri, head of the program evaluation section of EnCon's Division of Regulatory Affairs, the Rotterdam meeting — one of nine across the state — will be the only one in the Capital District, part of the department's Region 4.

Palmieri said the department's proposed change in regulations is an attempt by EnCon to "tighten up" the costly public hearing process. He noted the changes have been filed as proposed agency actions with the secretary of state. After the public hearings Monday and Tuesday, EnCon Commissioner

Robert Flacke will, based on the record of these hearings, either finalize, modify or reject the proposed agency action.

Under this proposed action, regulations governing applications and public hearings on them will be rewritten in plain language and reorganized in format to make them more clear, Palmieri said.

In addition, application procedures will be revised to shorten the application process. One new regulation will allow for the conducting of "decision conferences" between the applicant and EnCon in lieu of public hearings.

Palmieri said projects of significant impact would be announced to the public, with the public given the chance to request a public hearing. If there were significant requests, a public hearing would be conducted; if not, the applicant might go straight to the decision conference.

If public hearings are conducted,

they will be "more focused" than in the past under the proposed regulation changes, Palmieri said.

"The new regulations will help tighten the process to better develop a formal record on which the commissioner's decision must be based," Palmieri noted.

In addition, the proposed changes make clarifications on the distinctions between legislative sessions (at which unsworn statements are entered) and adjudicatory sessions (at which there must be sworn testimony subject to cross-examination) at public hearings; between parties to the hearings "who have a deep involvement" and participants in the hearings "who make statements"; and between various stages of public hearings "to zero in on what's important," Palmieri said.

Palmieri said the regulation revisions are "not an attempt to suppress

dissent. We're trying to improve efficiency by improving the management of the process."

He denied the department's experience with the proposal for the \$85 million Crossgates mall in Guilderland had any direct impact on the decision to alter EnCon's regulations governing public hearings.

In 1980, public hearings on the proposed Guilderland mall lasted more than a half year. The mall's developers charged the public hearings were dragged out needlessly by mall opponents.

Palmieri said: "Some of the things that happened (at the Crossgates hearings) were examples of what is not good about the current process. Crossgates was not a catalyst, but rather an example, of how things can go on longer than they should."

Monday's meeting will be in Rotterdam Town Hall on Vinewood Avenue.