

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 139 Session of 2021

INTRODUCED BY ROTHMAN, SCHMITT, PICKETT, HAMM, JAMES, IRVIN,
METCALFE, MENTZER, OBERLANDER, STAMBAUGH, KEEFER, OWLETT,
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JANUARY 12, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 12, 2021

AN ACT

1 Providing for the administration of permits by State agencies,
2 for a tracking system for permit applications, for the
3 establishment of permit programs and for annual reports.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Permit
8 Administration Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicant." A person, municipality, municipal authority,
14 political subdivision, State agency or an agency of the Federal
15 Government which submits an application for a permit to a State
16 agency.

17 "Application." A submission to a State agency by an

1 applicant which seeks any of the following:

- 2 (1) A new permit.
- 3 (2) A permit renewal.
- 4 (3) A permit amendment.
- 5 (4) A permit modification.
- 6 (5) A permit transfer.
- 7 (6) A change of ownership of a permit.

8 "Completeness review." The process by which a State agency's
9 staff reviews an application to determine if the application
10 satisfies all of the applicable statutory and regulatory
11 requirements.

12 "Incomplete application." An application which does not
13 include all required documents and information necessary to
14 perform a completeness review.

15 "Permit." An authorization issued by a State agency which
16 approves the performance of a regulated activity. The term
17 includes authorization permits, plan approvals and registrations
18 under a general permit. The term does not include the following:

- 19 (1) A certification, license or permit issued to an
20 individual for personal use.
- 21 (2) A certification, license or permit issued by the
22 Pennsylvania Game Commission.

23 "Permit decision." The issuance or denial of a permit.

24 "Permit decision delay." The failure of a State agency to
25 issue a permit decision within:

- 26 (1) the time period specified by statute or regulation,
27 including the time period specified under 4 Pa. Code Ch. 7a
28 Subch. H (relating to permit decision guarantee for the
29 Department of Environmental Protection); or
- 30 (2) thirty days after the submission of the permit

application if there is no time period specified by statute or regulation, including 4 Pa. Code Ch. 7a Subch. H.

"Permit program." A program designed for the operation and management of permits which are subject to permit decision delays.

"Processing time." Beginning when the permit satisfies the completeness review, the total number of business days allowed by statute, regulation or State agency policy before a State agency must take final action on a permit decision.

"State agency." Any office, department, authority, board or commission of the executive branch which issues permits.

"Technical review." A review of the technical aspects of an application to determine if the application satisfies all of the applicable statutory and regulatory requirements for permit issuance.

"Technically deficient application." An application that does not include all necessary documents and information in sufficient detail to perform a technical review.

"Third-party professional." An individual in this Commonwealth who possesses all of the requisite certifications and qualifications of an occupation relating to a permit administered by a State agency.

Section 3. Initial review of permits by State agencies.

Within 60 days after the effective date of this act, a State agency shall review the State agency's permit decisions and permit decision delays during the immediately preceding calendar year and submit a report of findings to the General Assembly.

Section 4. Compilation of permits.

(a) List of permits.--A State agency shall compile, maintain and make available a complete list of all types of permits

1 issued by the State agency. The list, including any revisions to
2 the list, shall be transmitted to the Legislative Reference
3 Bureau for publication in the Pennsylvania Bulletin and shall be
4 posted on the State agency's publicly accessible Internet
5 website. The list shall include, but not be limited to, the
6 following information:

7 (1) The program under which each permit is issued.

8 (2) The statutory and regulatory authority for each
9 permit.

10 (3) The time frame when the State agency must issue each
11 permit.

12 (4) The average time frame within which a permit is
13 actually issued.

14 (b) Time limit.--A State agency shall have 90 days from the
15 effective date of this act to complete the initial list required
16 under subsection (a).

17 Section 5. Tracking system for permit application.

18 (a) Establishment.--A State agency shall establish, maintain
19 and make available a secure tracking system for applicants to
20 track the status of applications on the State agency's publicly
21 accessible Internet website within 180 days of the effective
22 date of this section.

23 (b) Notice.--Within five business days after receiving an
24 application, a State agency shall notify an applicant in writing
25 or by electronic means of the receipt and provide information
26 instructing the applicant in the utilization of the tracking
27 system established under subsection (a).

28 (c) System contents.--The tracking system shall include all
29 of the following:

30 (1) The processing time for each permit and the

1 statutory and regulatory authority and State agency policy
2 establishing the processing time.

3 (2) The dates associated with the receipt of each
4 permit, completeness review, technical review, elevated
5 review if necessary, and the final permit decision.

6 (3) The estimated time remaining for each incomplete
7 phase of the permit approval process.

8 (4) The identity and contact information for the State
9 agency employee assigned to answer questions about the
10 application process.

11 Section 6. Notice of incomplete and technically deficient
12 applications.

13 (a) Notice.--If a State agency finds an incomplete
14 application or technically deficient application, the State
15 agency shall notify the applicant in writing or by electronic
16 means of all the following:

17 (1) The statute or regulation which requires a
18 correction or additional information within the application.

19 (2) The reasons why the application is not in
20 conformance with the statute or regulation specified under
21 paragraph (1) in clear language that is readily
22 understandable by a layperson.

23 (3) The correction or additional information needed for
24 the State agency to issue the permit.

25 (b) Time limit.--The following apply:

26 (1) If an application is determined to be incomplete,
27 the State agency shall notify the applicant of the
28 determination within 10 business days of receipt of the
29 application.

30 (2) If an application is determined to be technically

deficient, the State agency shall notify the applicant of the determination within 20 business days after the conclusion of a completeness review.

Section 7. Notice of permit changes and expiration.

A State agency shall notify a permit holder in writing or by electronic means of the following:

(1) The expiration date of a permit 60 days before the permit's expiration date.

(2) A change to a statute or regulation which may affect the permit.

(3) A change in permit fees which may affect the renewal of the permit.

Section 8. Validity of permits.

A permit issued prior to the effective date of a statute or regulation altering the requirements for the permit shall remain valid under the provisions by which the permit was granted unless otherwise agreed to by all parties.

Section 9. Third-party review of permit decision delays.

(a) Establishment.--Within 180 days of the effective date of this section, a State agency shall establish a permit program to review permit decision delays and resolve issues causing permit decision delays.

(b) Third-party.--A State agency shall contract with a third-party professional to administer a permit program established under subsection (a) in accordance with 62 Pa.C.S. Pt. I (relating to Commonwealth procurement code). Payments to a third-party professional under this subsection shall consist of the remittance of any fees collected by a State agency from applicants whose applications are subject to a permit decision delay.

1 (c) Review.--A State agency shall, immediately after
2 establishing a permit program under subsection (a), refer
3 applications that have been submitted to the State agency and
4 are subject to permit decision delay to a third-party
5 professional for review and resolution. A permit application
6 that becomes subject to permit decision delay after the
7 establishment of a permit program under subsection (a) shall be
8 submitted by the State agency to a third-party professional for
9 review and resolution no later than three business days after
10 the application becomes subject to permit decision delay.

11 (d) Issuance.--After a third-party professional's review of
12 an application which is subject to a permit decision delay and
13 the resolution of all issues causing the delay, the third-party
14 professional shall transmit the application to the State agency
15 for issuance of the permit.

16 Section 10. Annual reports.

17 No later than January 31 of each year, a State agency shall
18 submit a report to the General Assembly that, at a minimum,
19 shall contain the following information from the immediately
20 preceding calendar year:

21 (1) The number of applications received.

22 (2) The number of applications reviewed by the State
23 agency that received a decision without being referred to a
24 third-party professional.

25 (3) The average time frame for permit decisions from the
26 State agency on applications that received a decision without
27 being referred to a third-party professional.

28 (4) The number of applications reviewed by third-party
29 professionals.

30 (5) The average time frame for contracted third-party

professionals to complete an application review.

(6) The number of State agency employees reviewing permit applications as organized by each regional office of the State agency, if applicable, and the number of applications each State employee reviewed.

Section 11. Construction.

Nothing in this act shall be construed to limit or otherwise alter a State agency's authority to revoke a permit for failure to comply with the laws of this Commonwealth.

Section 12. Effective date.

This act shall take effect in 60 days.