
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1959 Session of
2018

INTRODUCED BY ROTHMAN, WALSH, ZIMMERMAN, MILLARD, STEPHENS, FEE,
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STAATS, MENTZER, COX, HELM, WATSON, BERNSTINE, WHEELAND,
JAMES AND KEEFER, JANUARY 3, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 3, 2018

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 a
19 certification, license or permit issued to an individual for
20 personal use.

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

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

24 (1) the time period specified by statute or regulation,
25 including the time period specified under 4 Pa. Code Ch. 7a,
26 Subch. H (relating to permit decision guarantee for the
27 Department of Environmental Protection); or

28 (2) thirty days after the submission of the permit
29 application if there is no time period specified by statute
30 or regulation, including 4 Pa. Code Ch. 7a, Subch. H.

1 "Permit program." The program designed for the operation and
2 management of permits which are subject to permit decision
3 delays.

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

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

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

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

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

21 Section 3. Initial review of permits by State agencies.

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

26 Section 4. Compilation of permits.

27 (a) List of permits.--A State agency shall compile, maintain
28 and make available a complete list of all types of permits
29 issued by the State agency. The list, including any revisions to
30 the list, shall be transmitted to the Legislative Reference

1 Bureau for publication in the Pennsylvania Bulletin and shall be
2 posted on the State agency's publicly accessible Internet
3 website. The list shall include, but not be limited to, the
4 following information:

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

6 (2) The statutory and regulatory authority for each
7 permit.

8 (3) The time frame when the State agency must issue each
9 permit.

10 (4) The average time frame within which permit is
11 actually issued.

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

15 Section 5. Tracking system for permit application.

16 (a) Establishment.--A State agency shall establish, maintain
17 and make available a secure tracking system for applicants to
18 track the status of applications on the State agency's publicly
19 accessible Internet website.

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

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

27 (1) The processing time for each permit and the
28 statutory and regulatory authority and State agency policy
29 establishing the processing time.

30 (2) The dates associated with the receipt of each

1 permit, completeness review, technical review, elevated
2 review if necessary, and the final permit decision.

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

5 (4) The identity and contact information for the State
6 agency employee assigned to answer questions about the
7 application process.

8 Section 6. Notice of incomplete and technically deficient
9 applications.

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

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

16 (2) The reasons why the application is not in
17 conformance with the statute or regulation specified under
18 paragraph (1).

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

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

22 (1) If an application is determined to be incomplete,
23 the State agency shall notify the applicant of the
24 determination within 10 business days of receipt of the
25 application.

26 (2) If an application is determined to be technically
27 deficient, the State agency shall notify the applicant of the
28 determination within 20 business days after the conclusion of
29 a completeness review.

30 Section 7. Notice of permit changes and expiration.

1 A State agency shall notify a permit holder by electronic
2 means of the following:

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

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

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

9 Section 8. Validity of permits.

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

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

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

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

27 (c) Issuance.--After a third-party professional's review of
28 an application which is subject to a permit decision delay and
29 the resolution of all issues causing the delay, the third-party
30 professional shall transmit the application to the State agency

1 for issuance of the permit.

2 Section 10. Annual reports.

3 No later than January 31 of each year, a State agency shall
4 submit a report to the General Assembly that, at a minimum,
5 shall contain the following information from the immediately
6 preceding calendar year:

7 (1) The number of applications received.

8 (2) The number of applications reviewed by the State
9 agency and the third-party professionals that are in a
10 contract with the State agency under section 9(b).

11 (3) The average time frame for permit decisions from the
12 State agency and for reviews by third-party professionals
13 that are in a contract with the State agency under section
14 9(b).

15 (4) The number of applications reviewed by third-party
16 professionals.

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

21 Section 11. Construction.

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

25 Section 12. Effective date.

26 This act shall take effect in 60 days.