
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. **226** Session of
2017

INTRODUCED BY YUDICHAK, RESCHENTHALER, BREWSTER, WHITE, MENSCH,
REGAN, WAGNER AND BARTOLOTTA, OCTOBER 19, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 19, 2017

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct an independent performance evaluation of certain
3 Statewide environmental permitting programs administered by
4 the Department of Environmental Protection.

5 WHEREAS, The Department of Environmental Protection is
6 charged with the protection of this Commonwealth's air, land and
7 water from pollution, as well as the environmental health and
8 safety of residents; and

9 WHEREAS, Federal and State laws and regulations require the
10 Department of Environmental Protection to review environmental
11 permit applications and make determinations for approval,
12 including the Clean Streams Law, the Dam Safety and
13 Encroachments Act, the Federal Clean Water Act and related
14 statutes; and

15 WHEREAS, Municipalities and industry and business communities
16 that perform activities subject to environmental regulation and
17 permitting have raised concerns about the cost, economic
18 impairment and missed opportunities for job creation resulting
19 from instances of inconsistent review of environmental permit

1 applications and unreasonable delays in environmental permit
2 review and issuance by the Department of Environmental
3 Protection; and

4 WHEREAS, The Department of Environmental Protection has
5 undertaken considerable efforts to address concerns raised
6 regarding its environmental permit review process and continues
7 to work to identify problems and implement technical solutions
8 within available resources; and

9 WHEREAS, Continued concerns expressed by stakeholders on all
10 sides of the environmental permitting process deserve the
11 attention of the General Assembly, which may be addressed
12 through an independent, thorough and impartial performance
13 evaluation; and

14 WHEREAS, Such a review of Statewide environmental permitting
15 programs by the Legislative Budget and Finance Committee, with
16 assistance from impartial experts, is necessary to establish a
17 fair baseline from which additional administrative and
18 legislative policies may be established; therefore be it

19 RESOLVED, That the Senate direct the Legislative Budget and
20 Finance Committee to conduct an independent performance
21 evaluation of environmental permitting under the Erosion and
22 Sediment Pollution Control Program and the Water Obstruction and
23 Encroachment Program administered by the Department of
24 Environmental Protection and county conservation districts; and
25 be it further

26 RESOLVED, That the Legislative Budget and Finance Committee,
27 in conducting the evaluation, shall seek assistance, through
28 cooperation or contract, from impartial individuals who have
29 recognized experience and expertise in the oversight and
30 implementation of environmental laws and regulations and

1 environmental or energy engineering or sciences, including, but
2 not limited to, individuals from accredited academic
3 institutions; and be it further

4 RESOLVED, That the Legislative Budget and Finance Committee
5 include the following elements in its evaluation of permitting
6 under the Erosion and Sedimentation Program and Water
7 Obstruction and Encroachment Program:

8 (1) consideration of concerns for permitting programs
9 expressed by stakeholders, including the Department of
10 Environmental Protection and regulated municipality, business
11 and industry representatives;

12 (2) an analysis and comparison of total and individual
13 resources and workloads for the permitting programs and all
14 offices charged with administration of the programs,
15 including central and regional offices of the Department of
16 Environmental Protection and county conservation districts;

17 (3) a comparison of permit review times, performance
18 levels and goals for each office of the Department of
19 Environmental Protection and a representative sample of
20 county conservation districts charged with administration of
21 the permitting program;

22 (4) a review of the appropriateness and effectiveness of
23 applicable policies, procedures or guidance for permit review
24 and issuance, including the permit decision guarantee program
25 and related fee structures;

26 (5) an analysis of permit application procedures and
27 outcomes, including the examination of random samples of
28 applications and interviews with permit applicants and
29 appropriate program staff of the Department of Environmental
30 Protection and conservation districts;

1 (6) an evaluation of recent and ongoing efforts and
2 initiatives by the Department of Environmental Protection or
3 conservation districts to remove obstacles to effective and
4 efficient permit reviews and improve outcomes for applicants;

5 (7) a review of similar permitting programs administered
6 in this Commonwealth or other states in an effort to identify
7 best practices or offer suggestions for improving review
8 performance without sacrificing environmental protection; and

9 (8) recommendations for practical administrative or
10 legislative actions that improve administration, timing and
11 outcomes of the permitting programs;

12 and be it further

13 RESOLVED, That the Legislative Budget and Finance Committee
14 provide a comprehensive report of its findings and
15 recommendations to the Senate not later than one year after the
16 adoption of this resolution.