

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 350 Session of
2023

INTRODUCED BY PHILLIPS-HILL, ROTHMAN, MARTIN, STEFANO, DUSH,
J. WARD, MASTRIANO AND AUMENT, FEBRUARY 2, 2023

REFERRED TO INTERGOVERNMENTAL OPERATIONS, FEBRUARY 2, 2023

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, for third-party review of
4 permit decision delays and for annual reports.

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

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

18 "Application." A submission to a State agency by an
19 applicant which seeks any of the following:

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

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

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

14 "Permit." For the purposes of this act, an authorization
15 issued by a State agency which approves the performance of a
16 regulated activity. The term includes authorization permits,
17 certificates of public convenience, plan approvals and
18 registrations under a general permit. The term does not include
19 the following:

20 (1) A certification, license or permit issued to an
21 individual for personal use.

22 (2) A certification, license or permit issued by the
23 Pennsylvania Game Commission.

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

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

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

(2) 30 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." The 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, independent agency, 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 section, 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.

1 Section 4. Compilation of permits.

2 (a) List of permits.--A State agency shall compile, maintain
3 and make available a complete list of all types of permits
4 issued by the State agency. The list, including any revisions to
5 the list, shall be transmitted to the Legislative Reference
6 Bureau for publication in the Pennsylvania Bulletin and shall be
7 posted on the State agency's publicly accessible Internet
8 website. The list shall include, but not be limited to, the
9 following information:

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

11 (2) The statutory and regulatory authority for each
12 permit.

13 (3) The time frame when the State agency must issue each
14 permit.

15 (4) The average time frame within which each permit is
16 actually issued.

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

20 Section 5. Tracking system for permit application.

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

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

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

3 (1) The processing time for each permit, the statutory
4 and regulatory authority and State agency policy establishing
5 the processing time.

6 (2) The dates associated with the receipt of each
7 permit, completeness review, technical review, elevated
8 review, if necessary, and the final permit decision.

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

11 (4) The identity and contact information for the State
12 agency employee assigned to answer questions about the
13 application process.

14 Section 6. Notice of incomplete and technically deficient
15 applications.

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

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

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

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

28 (4) The procedure an applicant is required to employ to
29 initiate an appeal of an adverse State agency decision.

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

1 (1) If an application is determined to be incomplete,
2 the State agency shall notify the applicant of the
3 determination within 10 business days of receipt of the
4 application.

5 (2) If an application is determined to be technically
6 deficient, the State agency shall notify the applicant of the
7 determination within 20 business days after the conclusion of
8 a completeness review.

9 Section 7. Notice of permit changes and expiration.

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

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

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

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

18 Section 8. Validity of permits.

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

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

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

28 (b) Third-party.--If a State agency has not established an
29 internal process for an on-the-record, quasi-judicial review of
30 the State agency's determinations, the State agency shall

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

8 (c) Review.--A State agency shall, immediately after
9 establishing a program under subsection (a), refer applications
10 that have been submitted to the State agency and are subject to
11 permit decision delay to a third-party professional for review
12 and resolution. A permit application that becomes subject to
13 permit decision delay after the establishment of a program under
14 subsection (a) shall be submitted by the State agency to a
15 third-party professional for review and resolution no later than
16 three business days after the application becomes subject to
17 permit decision delay.

18 (d) Issuance.--After a third-party professional's review of
19 an application which is subject to a permit decision delay and
20 the resolution of all issues causing the delay, the third-party
21 professional shall transmit the application to the State agency
22 for issuance of the permit.

23 Section 10. Annual reports.

24 No later than January 31 of each year, a State agency shall
25 submit a report to the General Assembly that, at a minimum,
26 shall contain the following information from the immediately
27 preceding calendar year:

28 (1) The number of applications received.

29 (2) The number of applications reviewed by the State
30 agency that received a decision without being referred to a

1 third-party professional.

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

5 (4) The number of applications reviewed by third-party
6 professionals.

7 (5) The average time frame for contracted third-party
8 professionals to complete an application review.

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

13 Section 11. Construction.

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

17 Section 12. Effective date.

18 This act shall take effect in 60 days.