

## 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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Protection and conservation districts;

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

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

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

13 and be it further

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