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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1092 Session of  
2015

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INTRODUCED BY VOGEL, COSTA, BARTOLOTTA, BROOKS, EICHELBERGER,  
RAFFERTY, BREWSTER, MENSCH, FOLMER, YUDICHAK AND YAW,  
DECEMBER 21, 2015

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,  
DECEMBER 21, 2015

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AN ACT

1 Imposing a duty on the Department of Environmental Protection to  
2 maintain a system for applicants to track the status of  
3 certain permit applications; and providing for permit  
4 notifications.

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 Pennsylvania  
9 Permit Tracking and Notification Law.

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." An individual, partnership, association,  
15 company, corporation, municipality, municipal authority,  
16 political subdivision or an agency of Federal or State  
17 government that submits an application for a permit to conduct  
18 an activity authorized by the department.

1 "Application manager." The specific department staff member  
2 who is responsible for the processing of an application and is  
3 the primary contact for the project review.

4 "Complete and technically adequate application." An  
5 application package that includes all necessary documents and  
6 information and is provided in sufficient detail to perform a  
7 technical review.

8 "Completeness review." A process by which department staff  
9 review applications to determine if the applications are  
10 complete and technically adequate and comply with applicable  
11 regulatory and statutory requirements.

12 "Department." The Department of Environmental Protection of  
13 the Commonwealth.

14 "Permit." Authorization issued by the department or under a  
15 delegated agreement by the department giving approval to perform  
16 a regulated activity. The term includes a permit, plan approval  
17 and registration under a general permit. The definition does not  
18 include a certification or license.

19 "Processing time." The total number of business days  
20 allowed, whether by statute, regulation or department policy,  
21 beginning with the acceptance of a complete and technically  
22 adequate application and ending with the final action by the  
23 department. The length of time does not begin until the  
24 application passes completeness review and the application is  
25 determined to be complete and technically adequate.

26 "Project." A permit required by the department for any of  
27 the following:

28 (1) Construction, reconstruction, conversion, structural  
29 alteration, relocation or enlargement of a building or other  
30 structure.

1 (2) Site preparation, including grading, earth moving  
2 activities, clearance, soil removal or movement, timber  
3 harvesting relocation, excavation, landfill and moving,  
4 depositing or storing soil, rock or earth materials.

5 (3) Use or change in the use of a building or other  
6 structure or change in land use.

7 (4) Land development, as defined in section 107 of the  
8 act of July 31, 1968 (P.L.805, No.247), known as the  
9 Pennsylvania Municipalities Planning Code, or land use.

10 (5) Demolition, moving or removing a building or other  
11 structure.

12 "Technical review." A review of the technical aspects of a  
13 permit application to determine if the permit application meets  
14 regulatory and statutory requirements for permit issuance.

15 Section 3. Permit tracking.

16 The department shall maintain a secure system available to  
17 applicants for tracking the status of permit applications on the  
18 department's publicly accessible Internet website. The system  
19 shall include:

20 (1) The processing time provided for each permit and a  
21 citation of relevant statutory, regulatory or department  
22 policy establishing the processing time.

23 (2) The dates associated with receipt, completeness  
24 review, technical review, elevated review process, if  
25 necessary, and final permit decision.

26 (3) An estimate of time remaining for each incomplete  
27 phase of the approval process.

28 (4) Identification of the application manager and  
29 appropriate contact information for department staff assigned  
30 to answer relevant applicant questions.

1 Section 4. Permit notifications.

2 The department shall provide electronic notifications to  
3 permit holders 60 days before the permit's expiration date and  
4 when there are changes in:

5 (1) Statutes or regulations that impact the permit.

6 (2) Permit fees that affect the renewal of a permit.

7 Section 5. Prior permits.

8 A project permit issued prior to the effective date of a  
9 statute or regulation altering the requirements for the same  
10 project permit shall remain valid under the provisions by which  
11 the permit was granted until the project is completed.

12 Section 6. Effective date.

13 This act shall take effect in 60 days.