
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1101 Session of
2017

INTRODUCED BY MENTZER, ZIMMERMAN, CUTLER, HICKERNELL, MILLARD,
GODSHALL, FEE, GREINER, IRVIN, BARRAR, BLOOM, KAUFFMAN,
TOPPER, GROVE, CAUSER, COX, GABLER, HEFFLEY, WARD, EVERETT,
PICKETT, SACCONI, ROTHMAN, MASSER, SANKEY, SAYLOR, NESBIT,
A. HARRIS, DIAMOND AND WHEELAND, APRIL 7, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 7, 2017

AN ACT

1 Providing for environmental permitting reform; establishing a
2 permit program to expedite decisions on approval or denial of
3 permit applications; and imposing duties on the Department of
4 Environmental Protection.

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 Environmental
9 Permitting Reform 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 "Department." The Department of Environmental Protection of
15 the Commonwealth.

16 "Licensed professional." An individual licensed by the
17 Commonwealth as a professional landscape architect, engineer,

1 land surveyor or geologist.

2 "Permit." A written authorization issued by the department
3 or an authorization under a delegated agreement by the
4 department to engage in a regulated activity, including, but not
5 limited to, a new permit, permit renewal, permit amendment,
6 permit modification, permit transfer, change of ownership, plan
7 approval or registration under a general permit. The term does
8 not include a certification or license.

9 "Permit application." The document submitted to the
10 department by an applicant that, if approved, grants a permit to
11 an applicant.

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

13 "Permit decision delay." The failure of the department to
14 issue a permit decision within:

15 (1) the time period specified by statute or regulation
16 or by the relevant time period established under 4 Pa. Code
17 Ch. 7a Subch. H (relating to permit decision guarantee for
18 the Department of Environmental Protection); or

19 (2) 30 days after the submission of a permit application
20 or request for plan approval or other authorization when no
21 time period is specified by statute, regulation or 4 Pa. Code
22 Ch. 7a Subch. H.

23 "Permit program." The operation and management of permits
24 identified which are subject to permit decision delay.

25 Section 3. Initial review by department.

26 Within 30 days after the effective date of this act, the
27 department shall review all permit decisions and permit decision
28 delays during the immediately prior calendar year and submit a
29 report of findings to the chairperson and minority chairperson
30 of the Environmental Resources and Energy Committee of the

1 Senate and the chairperson and minority chairperson of the
2 Environmental Resources and Energy Committee of the House of
3 Representatives.

4 Section 4. Third-party review under permit program.

5 (a) Establishment and administration of permit program.--
6 Within one year of the issuance of the initial report under
7 section 3, the department shall establish and implement a permit
8 program. The department shall contract with third-party licensed
9 professionals for the purpose of administering the permit
10 program.

11 (b) Transfer of information.--Within one year after the
12 establishment of the permit program under subsection (a), the
13 department shall transfer information regarding permit decisions
14 and permit decision delays to the third-party licensed
15 professionals with whom the department has contracted.

16 (c) Fees.--Fees collected by the department from permit
17 applications in the permit program shall be remitted to the
18 respective third-party licensed professionals with whom the
19 department has contracted for the permit program.

20 (d) Agent of Commonwealth.--A third-party licensed
21 professional with whom the department has contracted for the
22 permit program shall be duly recognized as an agent of the
23 Commonwealth for the permit program to resolve each permit
24 application which is subject to a permit decision delay.

25 Section 5. Annual reports.

26 No later than January 31 of each year, the department shall
27 submit to the General Assembly an annual report which, at a
28 minimum, shall contain the following information from the
29 immediately prior calendar year:

30 (1) The number of permit applications received.

1 (2) The number of permit applications reviewed by the
2 department and third-party licensed professionals with whom
3 the department has contracted for the permit program.

4 (3) The average time frame for permit decisions by the
5 department and third-party licensed professionals with whom
6 the department has contracted for the permit program.

7 (4) The number and average workload of third-party
8 licensed professionals with whom the department has
9 contracted for the permit program.

10 (5) The number and average workload of staff members
11 within the department reviewing permit applications,
12 organized by each regional office of the department.

13 Section 6. Rules and regulations.

14 The department shall promulgate rules and regulations
15 necessary to implement the provisions of this act.

16 Section 7. Applicability.

17 This act shall apply to all permits required to comply with
18 statutes and regulations administered by the department.

19 Section 8. Effect of act.

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

23 Section 9. Effective date.

24 This act shall take effect in 60 days.