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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1959 Session of  
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INTRODUCED BY ROTHMAN, WALSH, ZIMMERMAN, MILLARD, STEPHENS, FEE,  
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STAATS, MENTZER, COX, HELM, WATSON, BERNSTINE, WHEELAND,  
JAMES AND KEEFER, JANUARY 3, 2018

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 3, 2018

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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 and for annual reports.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

17 "Application." A submission to a State agency by an

1 applicant which seeks any of the following:

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

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

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

15 "Permit." An authorization issued by a State agency which  
16 approves the performance of a regulated activity. The term  
17 includes authorization permits, plan approvals and registrations  
18 under a general permit. The term does not include a  
19 certification, license or permit issued to an individual for  
20 personal use.

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

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

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

28 (2) thirty days after the submission of the permit  
29 application if there is no time period specified by statute  
30 or regulation, including 4 Pa. Code Ch. 7a, Subch. H.

1 "Permit program." The program designed for the operation and  
2 management of permits which are subject to permit decision  
3 delays.

4 "Processing time." Beginning when the permit satisfies the  
5 completeness review, the total number of business days allowed  
6 by statute, regulation or State agency policy before a State  
7 agency must take final action on a permit decision.

8 "State agency." Any office, department, authority, board or  
9 commission of the executive branch which issues permits.

10 "Technical review." A review of the technical aspects of an  
11 application to determine if the application satisfies all of the  
12 applicable statutory and regulatory requirements for permit  
13 issuance.

14 "Technically deficient application." An application that  
15 does not include all necessary documents and information in  
16 sufficient detail to perform a technical review.

17 "Third-party professional." An individual in this  
18 Commonwealth who possesses all of the requisite certifications  
19 and qualifications of an occupation relating to a permit  
20 administered by a State agency.

21 Section 3. Initial review of permits by State agencies.

22 Within 60 days after the effective date of this act, a State  
23 agency shall review the State agency's permit decisions and  
24 permit decision delays during the immediately preceding calendar  
25 year and submit a report of findings to the General Assembly.

26 Section 4. Compilation of permits.

27 (a) List of permits.--A State agency shall compile, maintain  
28 and make available a complete list of all types of permits  
29 issued by the State agency. The list, including any revisions to  
30 the list, shall be transmitted to the Legislative Reference

1 Bureau for publication in the Pennsylvania Bulletin and shall be  
2 posted on the State agency's publicly accessible Internet  
3 website. The list shall include, but not be limited to, the  
4 following information:

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

6 (2) The statutory and regulatory authority for each  
7 permit.

8 (3) The time frame when the State agency must issue each  
9 permit.

10 (4) The average time frame within which permit is  
11 actually issued.

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

15 Section 5. Tracking system for permit application.

16 (a) Establishment.--A State agency shall establish, maintain  
17 and make available a secure tracking system for applicants to  
18 track the status of applications on the State agency's publicly  
19 accessible Internet website.

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

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

27 (1) The processing time for each permit and the  
28 statutory and regulatory authority and State agency policy  
29 establishing the processing time.

30 (2) The dates associated with the receipt of each

1 permit, completeness review, technical review, elevated  
2 review if necessary, and the final permit decision.

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

5 (4) The identity and contact information for the State  
6 agency employee assigned to answer questions about the  
7 application process.

8 Section 6. Notice of incomplete and technically deficient  
9 applications.

10 (a) Notice.--If a State agency finds an incomplete  
11 application or technically deficient application, the State  
12 agency shall notify the applicant in writing or by electronic  
13 means of all the following:

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

16 (2) The reasons why the application is not in  
17 conformance with the statute or regulation specified under  
18 paragraph (1).

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

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

22 (1) If an application is determined to be incomplete,  
23 the State agency shall notify the applicant of the  
24 determination within 10 business days of receipt of the  
25 application.

26 (2) If an application is determined to be technically  
27 deficient, the State agency shall notify the applicant of the  
28 determination within 20 business days after the conclusion of  
29 a completeness review.

30 Section 7. Notice of permit changes and expiration.

1 A State agency shall notify a permit holder by electronic  
2 means of the following:

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

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

7 (3) A change in permit fees which may affect the renewal  
8 of the permit.

9 Section 8. Validity of permits.

10 A permit issued prior to the effective date of a statute or  
11 regulation altering the requirements for the permit shall remain  
12 valid under the provisions by which the permit was granted  
13 unless otherwise agreed to by all parties.

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

15 (a) Establishment.--Within 180 days of the effective date of  
16 this section, a State agency shall establish a program to review  
17 permit decision delays and resolve issues causing permit  
18 decision delays.

19 (b) Third-party.--A State agency shall contract with a  
20 third-party professional to administer a program established  
21 under subsection (a) in accordance with 62 Pa.C.S. Pt. I  
22 (relating to Commonwealth procurement code). Payments to a  
23 third-party professional under this subsection shall consist of  
24 the remittance of any fees collected by a State agency from  
25 applicants whose applications are subject to a permit decision  
26 delay.

27 (c) Issuance.--After a third-party professional's review of  
28 an application which is subject to a permit decision delay and  
29 the resolution of all issues causing the delay, the third-party  
30 professional shall transmit the application to the State agency

1 for issuance of the permit.

2 Section 10. Annual reports.

3 No later than January 31 of each year, a State agency shall  
4 submit a report to the General Assembly that, at a minimum,  
5 shall contain the following information from the immediately  
6 preceding calendar year:

7 (1) The number of applications received.

8 (2) The number of applications reviewed by the State  
9 agency and the third-party professionals that are in a  
10 contract with the State agency under section 9(b).

11 (3) The average time frame for permit decisions from the  
12 State agency and for reviews by third-party professionals  
13 that are in a contract with the State agency under section  
14 9(b).

15 (4) The number of applications reviewed by third-party  
16 professionals.

17 (5) The number of State agency employees reviewing  
18 permit applications as organized by each regional office of  
19 the State agency, if applicable, and the number of  
20 applications each State employee reviewed.

21 Section 11. Construction.

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

25 Section 12. Effective date.

26 This act shall take effect in 60 days.