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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 509 Session of  
2019

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INTRODUCED BY ROTHMAN, RYAN, BERNSTINE, FEE, BARRAR, METCALFE,  
GLEIM, MILLARD, KAUFFMAN, KEEFER, GREGORY, SAYLOR, TOPPER,  
OBERLANDER, ZIMMERMAN AND MENTZER, FEBRUARY 12, 2019

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 12, 2019

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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 the following:

- 19 (1) A certification, license or permit issued to an  
20 individual for personal use.
- 21 (2) A certification, license or permit issued by the  
22 Pennsylvania Game Commission.

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

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

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

1 application if there is no time period specified by statute  
2 or regulation, including 4 Pa. Code Ch. 7a Subch. H.

3 "Permit program." A program designed for the operation and  
4 management of permits which are subject to permit decision  
5 delays.

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

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

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

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

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

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

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

28 Section 4. Compilation of permits.

29 (a) List of permits.--A State agency shall compile, maintain  
30 and make available a complete list of all types of permits

1 issued by the State agency. The list, including any revisions to  
2 the list, shall be transmitted to the Legislative Reference  
3 Bureau for publication in the Pennsylvania Bulletin and shall be  
4 posted on the State agency's publicly accessible Internet  
5 website. The list shall include, but not be limited to, the  
6 following information:

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

8 (2) The statutory and regulatory authority for each  
9 permit.

10 (3) The time frame when the State agency must issue each  
11 permit.

12 (4) The average time frame within which a permit is  
13 actually issued.

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

17 Section 5. Tracking system for permit application.

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

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

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

30 (1) The processing time for each permit and the

1 statutory and regulatory authority and State agency policy  
2 establishing the processing time.

3 (2) The dates associated with the receipt of each  
4 permit, completeness review, technical review, elevated  
5 review if necessary, and the final permit decision.

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

8 (4) The identity and contact information for the State  
9 agency employee assigned to answer questions about the  
10 application process.

11 Section 6. Notice of incomplete and technically deficient  
12 applications.

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

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

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

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

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

26 (1) If an application is determined to be incomplete,  
27 the State agency shall notify the applicant of the  
28 determination within 10 business days of receipt of the  
29 application.

30 (2) If an application is determined to be technically

1       deficient, the State agency shall notify the applicant of the  
2       determination within 20 business days after the conclusion of  
3       a completeness review.

4 Section 7. Notice of permit changes and expiration.

5       A State agency shall notify a permit holder in writing or by  
6       electronic means of the following:

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

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

11          (3) A change in permit fees which may affect the renewal  
12      of the permit.

13 Section 8. Validity of permits.

14       A permit issued prior to the effective date of a statute or  
15       regulation altering the requirements for the permit shall remain  
16       valid under the provisions by which the permit was granted  
17       unless otherwise agreed to by all parties.

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

19       (a) Establishment.--Within 180 days of the effective date of  
20       this section, a State agency shall establish a permit program to  
21       review permit decision delays and resolve issues causing permit  
22       decision delays.

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

1 (c) Review.--A State agency shall, immediately after  
2 establishing a permit program under subsection (a), refer  
3 applications that have been submitted to the State agency and  
4 are subject to permit decision delay to a third-party  
5 professional for review and resolution. A permit application  
6 that becomes subject to permit decision delay after the  
7 establishment of a permit program under subsection (a) shall be  
8 submitted by the State agency to a third-party professional for  
9 review and resolution no later than three business days after  
10 the application becomes subject to permit decision delay.

11 (d) Issuance.--After a third-party professional's review of  
12 an application which is subject to a permit decision delay and  
13 the resolution of all issues causing the delay, the third-party  
14 professional shall transmit the application to the State agency  
15 for issuance of the permit.

16 Section 10. Annual reports.

17 No later than January 31 of each year, a State agency shall  
18 submit a report to the General Assembly that, at a minimum,  
19 shall contain the following information from the immediately  
20 preceding calendar year:

21 (1) The number of applications received.

22 (2) The number of applications reviewed by the State  
23 agency that received a decision without being referred to a  
24 third-party professional.

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

28 (4) The number of applications reviewed by third-party  
29 professionals.

30 (5) The average time frame for contracted third-party

1 professionals to complete an application review.

2 (6) The number of State agency employees reviewing  
3 permit applications as organized by each regional office of  
4 the State agency, if applicable, and the number of  
5 applications each State employee reviewed.

6 Section 11. Construction.

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

10 Section 12. Effective date.

11 This act shall take effect in 60 days.