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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 535 Session of  
2021

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INTRODUCED BY YAW, BARTOLOTTA, MARTIN, HUTCHINSON, J. WARD,  
STEFANO, MENSCH, YUDICHAK, PITTMAN, MASTRIANO, DUSH AND  
AUMENT, APRIL 8, 2021

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 8, 2021

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AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, in administrative provisions,  
3 establishing the Advanced Permit Review Program and the  
4 Advanced Permit Review Program Fund; and making an editorial  
5 change.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Part II heading of Title 27 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 PART II.

11 ADMINISTRATIVE PROVISIONS

12 [(Reserved)]

13 Section 2. Part II of Title 27 is amended by adding a  
14 chapter to read:

15 CHAPTER 21

16 ADVANCED PERMIT REVIEW PROGRAM

17 Sec.

18 2101. Scope of chapter.

19 2102. Definitions.

- 1 2103. Advanced Permit Review Program.
- 2 2104. Selection of qualified licensed professionals.
- 3 2105. Permit review procedure.
- 4 2106. Erosion and sediment control permit procedure.
- 5 2107. Dam safety and waterway management permit procedure.
- 6 2108. Advanced Permit Review Program Fund.
- 7 2109. Report to General Assembly.

8 § 2101. Scope of chapter.

9 This chapter relates to the Advanced Permit Review Program.

10 § 2102. Definitions.

11 The following words and phrases when used in this chapter  
12 shall 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 "Permit." A permit issued by the department relating to  
17 erosion and sediment control, dam safety or waterway management.  
18 The term does not include a permit issued by the department  
19 relating to abandoned mine reclamation.

20 "Program." The Advanced Permit Review Program established by  
21 this chapter.

22 "Qualified licensed professional." An individual who is  
23 approved by the department to conduct advanced permit review on  
24 behalf of the department under the program.

25 § 2103. Advanced Permit Review Program.

26 (a) Establishment.--The Advanced Permit Review Program is  
27 established in the department. The purpose of the program shall  
28 be to provide an expedited method, through the use of qualified  
29 licensed professionals, of reviewing applications for permits.

30 (b) Optional review.--A person that submits an application

1 for a permit to the department shall have the option to have the  
2 application submitted for review under the program.

3 § 2104. Selection of qualified licensed professionals.

4 (a) General rule.--The department shall, through a request  
5 for proposals procedure, select qualified licensed professionals  
6 to perform an expedited review of permits submitted under the  
7 program.

8 (b) Eligibility.--In order to be selected as a qualified  
9 licensed professional, an individual must satisfy the following  
10 criteria:

11 (1) Be a professional engineer, land surveyor or  
12 geologist licensed to practice in this Commonwealth.

13 (2) Have successfully completed training in an  
14 environmental education program approved by the department.

15 (3) Have at least five years of relevant environmental  
16 experience in this Commonwealth.

17 (c) List to be compiled.--The department shall compile and  
18 publish on the department's publicly accessible Internet website  
19 a list of qualified licensed professionals.

20 § 2105. Permit review procedure.

21 (a) Submission of application.--A person who submits an  
22 application for a permit to the department may clearly indicate  
23 that the person desires to have the application reviewed under  
24 the program.

25 (b) Initial review by department.--

26 (1) After receipt of the application and payment of the  
27 required fee, the department shall initially review the  
28 application to determine if the application is complete and  
29 all required information has been provided by the applicant.

30 (2) With respect to an application that involves best

1 management practices, the application must be consistent with  
2 site characteristics and achieve applicable performance and  
3 water resource requirements, if applicable.

4 (3) If the department determines that the application is  
5 incomplete or required information or fee payment has not  
6 been provided, the department shall notify the applicant.

7 (4) If the department determines that the application is  
8 complete and required information and fee payment has been  
9 provided, the department shall refer the application to the  
10 program and a qualified licensed professional to conduct a  
11 technical review of the application.

12 (5) (i) The department may not refer an application to  
13 a qualified licensed professional, and a qualified  
14 licensed professional may not review an application,  
15 under the program if the qualified licensed professional  
16 has performed services for the applicant within three  
17 years of the application being received by the  
18 department.

19 (ii) If the qualified licensed professional is  
20 barred from conducting a review of an application under  
21 this paragraph after receipt of the application, the  
22 qualified licensed professional shall immediately return  
23 the application to the department and notify the  
24 department of the applicability of this paragraph.

25 (6) If an application submitted for the program involves  
26 multiple individual permits or general permit authorizations  
27 for a single project, the department shall refer the entire  
28 application to a single qualified licensed professional for  
29 review.

30 (c) Technical review by qualified licensed professional.--

1           (1) After an application has been referred under  
2 subsection (b)(4), the qualified licensed professional shall  
3 conduct a technical review of the application and provide  
4 detailed technical comments with citations to the applicable  
5 regulations.

6           (2) If the qualified licensed professional finds any  
7 technical deficiency in the application, the qualified  
8 licensed professional shall submit a technical deficiency  
9 notice to the applicant.

10           (3) An applicant that receives a technical deficiency  
11 notice from a qualified licensed professional under paragraph  
12 (2) shall respond to the notice.

13           (4) If the qualified licensed professional receives a  
14 timely response from the applicant, the qualified licensed  
15 professional shall submit the notice, response and  
16 recommendation of the qualified licensed professional to the  
17 department.

18           (5) If the qualified licensed professional does not  
19 receive a timely response from the applicant, the qualified  
20 licensed professional shall submit the notice and  
21 recommendation of the qualified licensed professional to the  
22 department.

23 § 2106. Erosion and sediment control permit procedure.

24           In addition to the provisions of section 2105 (relating to  
25 permit review procedure), the following provisions shall apply  
26 to an application for a permit relating to erosion and sediment  
27 control:

28           (1) An applicant seeking expedited review under the  
29 program shall submit the application or notice of intention  
30 and fee payment to the applicable regional office of the

1 department.

2 (2) The department shall conduct a completeness review  
3 required by 25 Pa. Code § 102.6 (relating to permit  
4 applications and fees) following receipt of the application  
5 and fee payment, and upon determining that the application or  
6 notice of intention and fee payment are complete, transmit  
7 notice to the Legislative Reference Bureau for publication in  
8 the Pennsylvania Bulletin as required by regulation, and  
9 refer the application or notice of intention to a qualified  
10 licensed professional within 30 days.

11 (3) Upon referral from the department, the qualified  
12 licensed professional shall notify the applicant and the  
13 department of its acceptance of the application or notice of  
14 intention and shall proceed to conduct its review of the  
15 application or notice of intention. The qualified licensed  
16 professional shall issue a technical deficiency letter or  
17 submit its recommendation to the department within 15  
18 business days of referral. If a response to the technical  
19 deficiency letter is received, the qualified licensed  
20 professional shall review the response and submit its  
21 recommendation to the department within 10 business days of  
22 receipt of the response.

23 (4) Upon receipt of the recommendation by the qualified  
24 licensed professional, the department shall act on the  
25 application or notice of intention within 10 days.

26 (5) Upon completion of its review and submittal of its  
27 recommendation, the qualified licensed professional shall  
28 submit an invoice to the department. The amount of the  
29 invoice shall be determined by a fee schedule established by  
30 the department.

1           (6) The department shall transfer no more than 50% of  
2 the fee collected to the applicant and the balance shall be  
3 deposited into the Advanced Permit Review Program Fund  
4 established in section 2108 (relating to Advanced Permit  
5 Review Program Fund).

6           (7) In the event the department decides to conduct a  
7 public hearing of the technical merits of the application or  
8 notice of intention, the decision of the department shall not  
9 be required until 30 days after the hearing is conducted.

10 § 2107. Dam safety and waterway management permit procedure.

11 In addition to the provisions of section 2105 (relating to  
12 permit review procedure), the following provisions shall apply  
13 to an application for a permit relating to dam safety and  
14 waterway management, excluding abandoned mine reclamation:

15           (1) A person seeking expedited review under the program  
16 of an application for an individual permit or authorization  
17 under a general permit pursuant to 25 Pa. Code Ch. 105  
18 (relating to dam safety and waterway management) shall submit  
19 the application or notice of intention and fee payment to the  
20 appropriate department regional office or as required by the  
21 applicable general permit.

22           (2) Upon receipt of the application or notice of  
23 intention and fee payment, the department will conduct a  
24 completeness review. If the submittal is deemed complete, the  
25 department shall transmit notice of a permit application to  
26 the Legislative Reference Bureau for publication in the  
27 Pennsylvania Bulletin as required by 25 Pa. Code § 105.21a  
28 (relating to public notice) and refer the package to the  
29 selected qualified licensed professional for review within 30  
30 days.

1       (3) Upon receipt of the referral from the department,  
2 the qualified licensed professional shall notify the  
3 applicant and the department of its acceptance of the  
4 application or notice of intention and shall proceed to  
5 conduct its review of the submittal. The qualified licensed  
6 professional shall issue a technical deficiency letter or  
7 submit its recommendation to the department within 15  
8 business days of receipt of the referral. If a response to  
9 the technical deficiency letter is received, the qualified  
10 licensed professional shall review the response and submit  
11 its recommendation to the department within 10 business days  
12 of receipt of the response.

13       (4) Upon receipt of the recommendation by the qualified  
14 licensed professional, the department shall act on the  
15 application or notice of intention within 10 days.

16       (5) Upon completion of its review and submittal of its  
17 recommendation, the qualified licensed professional shall  
18 submit an invoice to the department. The amount of the  
19 invoice shall be determined by a fee schedule established by  
20 the department.

21       (6) The department shall transfer no more than 50% of  
22 the fee collected to the applicant and the balance shall be  
23 deposited into the Advanced Permit Review Program Fund  
24 established in section 2108 (relating to Advanced Permit  
25 Review Program Fund).

26       (7) In the event the department decides to conduct a  
27 public hearing of the application or notice of intention, the  
28 decision of the department shall not be required until 30  
29 days after the hearing is conducted.

30 § 2108. Advanced Permit Review Program Fund.



1     (a) Establishment.--The Advanced Permit Review Program Fund  
2 is established as a special fund in the State Treasury. The  
3 money in the fund is appropriated to the department on a  
4 continuing basis to administer the program.

5     (b) Source of funding.--The fund shall consist of the fees  
6 transmitted under sections 2106(6) (relating to erosion and  
7 sediment control permit procedure) and 2107(6) (relating to dam  
8 safety and waterway management permit procedure) and the  
9 interest earned from the money in the fund.

10 § 2109. Report to General Assembly.

11     The department shall, not later than 12 months after the  
12 effective date of this section, submit a written report to the  
13 General Assembly relating to the progress in implementing the  
14 program.

15     Section 3. This act shall take effect in 60 days.