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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

# **Pennsylvania's Permit Decision Guarantee Program**

National Association of Clean Air Agencies

Spring Membership Meeting

Atlanta, GA

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# ▶ Permit Decision Guarantee Program

- On July 24, 2012 – Governor Tom Corbett signed Executive Order 2012-11, entitled “Permit Decision Guarantee for the Department of Environmental Protection.”
- The Executive Order authorizes DEP to, among other things, establish by policy the elements of the Permit Decision Guarantee Program and specific permits covered by the program.
- The Executive Order also rescinded the Money Back Permit Review Guarantee Program created on Aug. 23, 1995 under Executive Order 1995-5.

# ▶ Permit Decision Guarantee Program

- Nov. 3, 2012 – DEP issued technical guidance for the implementation of the Permit Review Process and Permit Decision Guarantee (PRP/PDG) program (42 Pa.B. 6961).
- Nov. 14, 2012 – DEP began processing all permit applications under the Permit Review Process and Permit Decision Guarantee Program.
- DEP has developed an online Permit Application Consultation Tool (PACT)
  - Assists potential applicants in determining which types of permits, authorizations or notifications are needed for specific projects

# ▶ Permit Decision Guarantee Program

- The guidance established a standard process for permit application reviews statewide that:
  - Provides timeframes for processing complete applications;
  - Articulates expectations for applicants to provide complete applications;
  - Establishes expectations for DEP staff aimed at achieving greater efficiency, clarity and consistency across regions and programs;
  - Improves the department's internal tracking and coordination of permit applications; and
  - Rescinds and replaces the Policy for Implementing the DEP Money-Back Guarantee Permit Review Process (ID No. 013-2000-001), as amended.

# ▶ Permit Decision Guarantee Program

- Similar to rescinded Money Back Guarantee Program, except the following:
  - Applicants must request pre-application meeting;
  - No “stoppage of clock;”
  - Timelines are based on business days;
  - New permit review hierarchy; and
  - No more first-in, first-out hierarchy for applications.

# Air Quality: Permit Decision Guarantee Applications

AUTHORIZATION TYPE DESCRIPTION	APPLICATION CODE	BUSINESS DAYS
Major Facility Plan Approvals – National Emission Standards (NESHAPs) for Hazardous Air Pollutants (40 CFR Part 61)	NEW	150
Major Facility Plan Approvals – New Source Performance Standards	NEW	150
Major Facility Plan Approvals for State Regulations	NEW	150
Minor Facility Plan Approvals – NESHAPs for Hazardous Air Pollutants (40 CFR Part 61)	NEW	130
Minor Facility Plan Approvals – New Source Performance Standards	NEW	130
Minor Facility Plan Approvals – NESHAPs for Hazardous Air Pollutants	NEW	130
Minor Facility Plan Approval State Regulation	NEW	130

# Permit Review Hierarchy and Application Types

New Plan Approval Applications are assigned priority by DEP's regional staff as follows:

1. Protection of public health, safety or the environment from imminent threats;
2. Economic development projects;
3. Applications that have been excluded from the Permit Decision Guarantee, but are necessary for economic development projects that create jobs and enhance communities; and
4. Applications that do not meet the above criteria will be completed on a "first-in, first-out basis."

# Applicant Responsibilities

- The applicant is responsible for submitting a “complete” application that contains the information needed by DEP to make permitting decisions.
- The applicant is encouraged to schedule a pre-application meeting with DEP, as soon as practicable, to discuss the permitting needs for the proposed project.

# ▶ Permit Application Consultation Tool (PACT)

- PACT is an online Permit Application Consultation Tool.
- PACT is designed to assist potential applicants in determining which environmental permits, authorizations or notifications would be needed for specific projects.
- Based on the user's responses, PACT provides information on permits and other information an applicant should consider.
- This information will serve as the foundation for a pre-application conference.

# ▶ Administrative Completeness Review

- The application manager will determine if the Plan Approval Application is administratively complete.
- DEP will use Administrative Completeness Checklist (2700-FM-AQ0095) for the completeness determination.
- DEP will provide written notice of the completeness determination to the applicant within 30 days of receipt of an application.

# “Two Strikes” Policy

- Triggered after a response to a Technical Deficiency Letter still fails to meet the applicable requirements.
- If the Plan Approval Application contains technical deficiencies after two technical reviews, and the applicant cannot adequately demonstrate that it meets all applicable statutory and regulatory requirements, the application may be denied.



# Success Stories...

- The department developed Standard Operating Procedures with an Application Completeness Checklist to implement the PDG program.
- Feedback from the applicants is very positive.
- Permit backlog queue has been significantly decreased.
- Improved efficiency – Reduced days to process applications by 9 percent
- Approximately 96 percent of permit decisions are rendered within the target timeframes.
- Administrative and technical data for applications has improved and fewer applications are returned to applicants.

# Success Stories...

- Pre-application meetings have reduced technical deficiencies in applications.
- Pre-application meetings have resulted in more complete applications.
- PACT has been invaluable to potential applicants considering siting a new project in Pennsylvania, or expanding or relocating an existing operation.



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# Questions?



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