

Executive Order
Commonwealth of Pennsylvania
Governor's Office

Subject: Permit Decision Guarantee for the Department of Environmental Protection	Number: 2012-11
 By Direction of: Tom Corbett, Governor	Date: July 24, 2012

- WHEREAS, it is the Commonwealth's constitutional responsibility to conserve and maintain Pennsylvania's public natural resources for generations yet to come; and
- WHEREAS, the Commonwealth fulfills this mission in part through the granting of permits and other approvals ("permits") by the Department of Environmental Protection (the "Department") for specific regulated activities; and
- WHEREAS, the Department's permitting function places significant responsibilities and obligations on the regulated community – individuals, small businesses, local governments and industry alike; and
- WHEREAS, delays in making permitting decisions often have significant impacts on the individual, government and business planning processes and do not enhance the ability of the Department to protect the Commonwealth's natural resources; and
- WHEREAS, both the Commonwealth and its diverse population have a vital interest in timely answers within reasonable time frames, but not at the expense of public comment and good environmental decisions; and
- WHEREAS, permit applicants have the responsibility to submit applications that are complete and meet all requirements and include all information necessary for the agency to make a decision; and
- WHEREAS, *Executive Order 1995-5 Money-Back Guarantee Permit Review Program for the Department of Environmental Protection* issued by Governor Thomas J. Ridge on August 23, 1995, established definitive processing times for permit applications under review by the Department; and
- WHEREAS, the Department has identified further improvements to its permitting processes that can build on the successes of *Executive Order 1995-5, Money-Back Guarantee Permit Review Program for the Department of Environmental Protection*.

NOW, THEREFORE, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the **Permit Decision Guarantee for the Department of Environmental Protection**, as hereinafter set forth.

- 1. Types of Permits Covered.** This Executive Order authorizes the Department to establish by policy, using an open and participatory process, the elements of the Permit Decision Guarantee Program and the specific permits covered by the permit decision guarantee. Such permits may include those with the most direct impacts on protection of public health, safety and the environment, as well as economic development. The Department shall periodically revise and republish the policy, as needed. Notice of these actions shall be published in the Pennsylvania Bulletin.
- 2. Applicant Responsibilities.** The permit applicant is responsible for submitting an application that contains all information needed by the Department to make a decision and meets all applicable environmental statutory and regulatory requirements. Applicants are encouraged to schedule a pre-application conference with the Department as soon as practicable to discuss the permitting needs for the total project.
- 3. Department Responsibilities.** The Department shall establish clear guidance that describes permit application requirements. The permit decision guarantee policy developed by the Department for implementation of this Executive Order shall include a predictable processing time for each permit application covered by the permit decision guarantee. The policy shall establish that the Department will strive to process environmentally-protective applications as expeditiously as possible, but no longer than the established processing times. The policy shall indicate that only applications that are complete and technically adequate shall be eligible for the permit decision guarantee and that incomplete or severely deficient applications shall be returned to the applicant. The processing time shall be the total number of business days beginning with the receipt of an application and ending with the final action by the Department.
- 4. Coordinated Permits.** The Department will coordinate the review of applications for projects with multiple permits. The Department shall develop and update, as needed, a permit coordination policy that is consistent with the permit decision guarantee.
- 5. Staff Evaluation.** The Department shall establish performance standards for staff engaged in permit reviews and consider compliance with the review deadlines a factor in any job performance evaluations.
- 6. Information Technology Tools.** The Department shall develop, implement and improve available information tools to include an automated system, where possible, for notifications, permit applications, form letters regarding application completeness and technical deficiency, and general permit registration notifications.
- 7. Effective Date.** This Executive Order shall take effect immediately. Applications received by the Department on or after the effective date of the final permit decision guarantee policy shall be included in this program.

8. Termination Date. This order shall remain in effect until amended or rescinded by the Governor.

9. Rescission. Effective immediately, *Executive Order 1995-5*, is hereby rescinded.