



## Overview of [Act 54 of 2024 \(SPEED Act\)](#)

**Synopsis:** Amends the Fiscal Code to create the Streamlining Permit for Economic Expansion and Development (SPEED) Program. Authorizes the use of third-party permit reviewers for certain environmental permits; establishes a priority review permit decision timeline for permits; and directs PA DEP to create an online permit tracking system.

### **Streamlining Permit for Economic Expansion and Development (SPEED) Program**

- Authorizes applicants for eligible permits to apply to use a third-party qualified professional to conduct a permit review and make a permit decision recommendation to the permitting entity.

#### Eligible Permits

- An eligible permit includes a permit identified by the PA Department of Environmental Protection (PA DEP), including:
  - A state-only plan approval to:
    - Construct, assemble, install or modify any stationary air contamination source; or
    - Install on a stationary air contamination source any pollution control equipment or device issued under the Air Pollution Control Act.
  - An individual or general permit to conduct earth disturbance activities under 25 PA Code Chapter 102
  - An individual permit issued under 25 PA Code Chapter 105 that:
    - Includes cumulative impacts to waters of the U.S. that are eligible for authorization by the Department under the U.S. Army Corps of Engineers PASPGP-6 or a successor permit; or
    - Authorizes the construction or modification of a dam.
- A permitting entity shall mean either PA DEP or a Conservation District that possesses a permit delegation agreement with PA DEP.

#### Third-Party Qualified Professionals

- PA DEP shall issue an RFP soliciting qualified professionals within 90 days of the effective date of the Act.
- A qualified professional may be selected by PA DEP if the qualified professional has:
  - A relevant professional license
  - Five years of relevant permitting experience in Pennsylvania

- Holds all required professional licenses
  - Has not been convicted of certain crimes related to the environment or fraud, theft, forgery or other crimes
  - Has not had a professional license revoked within the previous 10 years
  - Agrees to be responsible for the costs of the qualified professional if they do not perform the initial permit review according to the appropriate timeline
- An applicant may choose to request to participate in the program by completing a form developed by PA DEP.
  - If there are more than 10 eligible and available qualified professionals, PA DEP shall provide the applicant with a list of three qualified professionals from which to choose.
    - If there are 10 or less qualified professionals, PA DEP shall assign one to conduct the initial permit review.
  - PA DEP shall require appropriate certifications that a conflict of interest does not exist between the applicant and the qualified professional, including ensuring that the qualified professional has not undertaken any work related to the applicant within the previous three years.
  - The applicant shall pay all costs associated with both the permit application and fees charged by the third-party qualified professional.

#### Permit Review Process and Timeframes

- In all cases, final permit decisions shall be made by either PA DEP or the Conservation District.
- Permit decisions shall be made within specified time frames contained either in statute, regulation, the Permit Decision Guarantee (PDG) Executive Order or as otherwise established by the Department if not specified in statute, regulation or PDG.
- Permit review timeframes shall not include more than two tolling periods during the permitting entity's final review, unless waived by the applicant.

#### **Failure to Issue Permit Decision**

- Failure of either PA DEP or a Conservation District to issue a permit decision within the applicable timeframe shall result in:
  - Elevating the permit application to Priority Review, which requires a permit decision to be issued by the appropriate program, regional director or Conservation District within 10 business days.



- Further failure to issue a permit decision after Priority Review shall result in:
  - A refund of all permit fees and costs associated with its review.
  - Right of appeal to the Environmental Hearing Board (EHB) on the failure to issue a permit decision.
    - The EHB shall set any appeal brought under this provision for expedited consideration.
    - The EHB's review shall be limited to the failure of the permitting entity to issue a permit decision in a timely manner.
    - The EHB may remand the matter back to the permitting entity to issue a permit decision by a specified date.
- The applicant may choose to waive the refund of fees and costs and the right to EHB appeal.

### **Tracking System for Permit Applications**

- Requires PA DEP to establish a secure tracking system for all applications submitted electronically to the Department. Such system shall be made available on the Department's website within 180 days of the effective date of legislation fully funding the development of the system. *(Note: funding for the program was provided in the 2024-2025 General Appropriations Act, so the 180-day timeframe commenced on July 1, 2024).*
- Within five business days of an application being received, PA DEP shall notify the applicant that the application was received and provide instructions on utilizing the permit tracking system.
- The permit tracking system shall include the following:
  - The processing timeline for each permit along with the statutory and regulatory authority and Department policy for establishing the timeline.
  - The dates associated with receipt of each permit for the:
    - Completeness review
    - Technical review
    - Priority review (if applicable)
    - Final permit decision
  - Identification and contact information of a Department employee assigned to answer questions about the application process.

### **Effective Date**

- Act 54 is effective immediately.

