



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Permit Review Process and Permit Decision Guarantee

Quarterly Report

Nov. 1, 2013

Executive Summary

By signing Executive Order 2012-11, Gov. Tom Corbett charged the Department of Environmental Protection (DEP) with developing and implementing a policy that results in more timely permitting decisions, provides clear expectations for applicants to improve the quality of permit applications, establishes performance measures for DEP's permit review staff, and implements electronic permitting tools to enhance internal operations.

To accomplish this, DEP established the Permit Review Process (PRP) and Permit Decision Guarantee (PDG). In order to verify the success of the new policy, DEP committed to provide quarterly updates during the first year under the new policy. The following is the fourth update which provides cumulative statistics for the period of Nov. 14, 2012, through Oct. 15, 2013.

This fourth and final quarterly report indicates continued success of the new policy as DEP has become more efficient in issuing protective and timely permits that bring greater predictability to the permitting process.

Increased Predictability (measured in permits meeting target and/or guarantee timeframes)

- Permit Review Process – 96 percent
- Permit Decision Guarantee – 95 percent

The cumulative statistics presented in this report indicate continued success with meeting target and guarantee timeframes and overall efficiency gains in the permitting process. Specifically, when compared to the previous permitting structure known as Money Back Guarantee (MBG), the following increases in efficiency have been measured for those permits included in the PDG:

Improved Efficiency (measured in fewer average days to process)

- Mining – 37 percent
- Oil and Gas – 13 percent
- Waste, Air, Radiation and Remediation (WARR) – 9 percent
- Water – 25 percent

DEP has also developed an online Permit Application Consultation Tool (PACT) to assist applicants considering siting a new project in Pennsylvania, or expanding or relocating an existing operation, to quickly and easily determine which types of environmental permits, authorizations or notifications may be required for their specific projects. Use of PACT will result in significant savings of both time and resources, especially when multiple permits or authorizations are needed.

On Oct. 26, 2013, DEP initiated a 30-day public comment period on PRP and PDG. This will allow stakeholders an opportunity to provide feedback on the effectiveness of the new policy. Following the 30-day public comment period, a comment response document will be developed and an annual report will be drafted. This report will detail implementation highlights during the first year and any changes made to the policy and associated permits as a result of internal and external feedback.

Permit Review Process and Permit Decision Guarantee

PRP/PDG Statistics

In November 2012, DEP began to review permit applications under the PRP. All DEP permits are reviewed under PRP regardless of whether or not a permit qualifies for PDG. Though not all department permits have a guaranteed timeframe associated with them, they all have a target timeframe against which DEP determines the timeliness of permit issuance and evaluates employee performance.

Statistics for PRP are representative of the department's permitting activities as a whole, while PDG statistics only apply to those permits that qualify for Permit Decision Guarantee. The following two tables provide cumulative statistics for the time period Nov. 14, 2012, through Oct. 15, 2013.

DEP continues to make timely permitting decisions. Approximately 96 percent of permit decisions are rendered within the target timeframes (PRP) and 95 percent within the guaranteed timeframes (PDG). DEP has also seen improvement in the percentage of applications which are being returned or denied. This figure has decreased six percent for PRP and 10 percent for PDG over the last quarter. DEP staff continues to work with applicants to ensure that they have the information, training and guidance necessary to submit complete permit application packages.

Permit Review Process (includes all applications received Nov. 14, 2012, through Oct. 15, 2013)

31,338	Number of applications received
26,180	Number of applications processed (disposed)
328	Number of applications withdrawn
649	Number of applications returned or denied
2.07%	Percent of all applications returned or denied
	<ul style="list-style-type: none"> • 39.91% of returned or denied applications due to incompleteness • 60.09% of returned or denied applications due to technical deficiencies
91.29%	Percent of applications disposed that were approved with no deficiencies
95.88%	Percent of approved permits disposed within target timeframes

Permit Decision Guarantee (includes all applications received Nov. 14, 2012, through Oct. 15, 2013)

17,067	Number of applications received
14,631	Number of applications processed (disposed)
239	Number of applications withdrawn
231	Number of applications returned or denied
1.35%	Percent of all applications returned or denied
	<ul style="list-style-type: none"> • 22.08% of returned or denied applications due to incompleteness • 77.92% of returned or denied applications due to technical deficiencies
87.86%	Percent of applications disposed that were approved with no deficiencies
95.32%	Percent of approved permits disposed within guaranteed timeframes

Program Efficiencies

Data from the first year under the new policy shows that DEP is operating more efficiently across all deputates and programs under the PRP and PDG compared to the previous 1-year period under the MBG. DEP staff is processing permits within their target and guaranteed timeframes 96 percent of the time for PRP and 95 percent of the time for PDG. This represents a significant improvement in the permitting process.

Eleven months into the new process, the data continues to reflect overall efficiency gains under PRP and PDG. Efficiency ratings overall are slightly lower than they were last quarter. As DEP moves forward with implementation, the department has built a larger sample size for comparison, resulting in a more accurate picture of performance. Nonetheless, efficiency gains compared to MBG are still apparent after nearly a year under the new policy.

Permit Review Process vs. Money Back Guarantee For Issued Permits

MBG Timeframe (Nov. 14, 2011, through Nov. 13, 2012)

PRP Timeframe (Nov. 14, 2012, through Oct. 15, 2013)

Deputate	Number of MBG Permits	Number of PRP Permits	PRP Permits Issued as % of MBG	AVG MBG Business Days	AVG PRP Business Days	Percent Improvement
MINING	3507	2749	78.39%	61.60	45.46	26.21%
OIL and GAS	8525	6849	80.34%	22.88	21.64	5.40%
WARR	8662	8269	95.46%	49.51	40.23	18.74%
WATER	6167	4703	76.26%	64.83	49.44	23.74%

Permit Decision Guarantee vs. Money Back Guarantee For Issued Permits

MBG Timeframe (Nov. 14, 2011, through Nov. 13, 2012)

PDG Timeframe (Nov. 14, 2012, through Oct. 15, 2013)

Deputate	Number of MBG Permits	Number of PDG Permits	PDG Permits Issued as % of MBG	AVG MBG Business Days	AVG PDG Business Days	Percent Improvement
MINING	541	399	73.75%	95.18	60.25	36.69%
OIL and GAS	4380	3824	87.31%	21.70	18.98	12.54%
WARR	340	238	70.00%	84.91	77.51	8.72%
WATER	2741	1943	70.89%	67.59	50.70	24.99%

Development of Electronic Tools

Oil and Gas Electronic 'eWell' System

In an effort to increase efficiency, improve data integrity and reduce paper processing and storage, DEP has undertaken the Oil and Gas Electronic Well Permitting project known as eWell. The goal is to have a secure web interface where oil and gas operators will be able to create and submit a well permit application with supporting documentation, and associated supplemental permits electronically. By applying field validations and edits, DEP will greatly improve data quality being submitted to the department and have the ability to provide up-to-the minute details on permit processing. DEP staff will have the ability to review and route permits more efficiently while seamlessly interacting with the enterprise database, eFACTS.

eWell is currently slated to go-live in November 2013, and will be accessed through DEP's GreenPort application which can be accessed at www.depgreenport.state.pa.us.

Permit Application Consultation Tool (PACT)

The Governor's Executive Order 2012-11 also directed DEP to develop, implement and improve available information tools to include automated systems where possible. The department continues to look into ways to make the permitting process more efficient through automation. To this end, DEP developed the Permit Application Consultation Tool (PACT) to aid potential applicants.

PACT will be invaluable to potential applicants considering siting a new project in Pennsylvania, or expanding or relocating an existing operation. Specifically, this tool allows potential applicants to quickly and easily determine which types of environmental permits, authorizations or notifications may be required for specific projects. Use of PACT will result in significant savings of both time and resources, especially when multiple permits or authorizations are needed.

Before using the tool, the applicant should have determined the proposed location of the project and should be familiar with the general plans for both construction and operation. After starting the tool, the user will be presented with a series of questions about their project. Based on those responses, the tool will generate a report that provides further information on permits, authorizations or notifications that may be necessary. The report will also provide references that can be consulted for further information about the applicability of identified requirements, as well as links to application forms and relevant instructions. Once the results have been reviewed, the department encourages the user to schedule a pre-application conference. These results serve as the foundation for a pre-application conference to discuss and verify tool results and permit coordination. To assist in this process, the tool will automatically forward the report to the appropriate Assistant Regional Director or District Mining Office.

PACT was released as an automated tool in mid-September and is available on DEP's website at <http://www.ahs.dep.pa.gov/PACT/>.

Supplementary Comment Period

As stated, concurrent to an internal review process, DEP is also opening a 30-day public comment period on PRP and PDG. The notice of availability of this technical guidance for comment appeared in the Oct. 26 edition of the *Pennsylvania Bulletin*. This supplementary comment period offered on the final policy, a first of its kind, will allow stakeholders an opportunity to provide feedback on the effectiveness of the new policy. Following the 30-day public comment period, a comment response document and an annual report will be developed detailing implementation highlights during the first year, and any changes made to the policy and associated permits as a result of internal and external comments. As a result of internal analysis, the department will also be identifying a selection of permits that may require modifications to forms and additional outreach and training with affected stakeholders to ensure complete and accurate permit submissions.