

House Bill 416 Expedites Permitting Procedures, Enhances PAPUC Oversight, and Repeals RGGI

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(by [Joe Reinhart](#), [Sean McGovern](#), [Gina Buchman](#), and [Christina Puhnaty](#))

House Bill 416 was signed into law by Governor Josh Shapiro on November 12, 2025. This bill is part of the Pennsylvania budget package for Fiscal Year 2025–26. This bill includes several significant changes to industry regulations, including expedited permitting processes for certain air and water permits, measures to ensure grid reliability, and the repeal of the Regional Greenhouse Gas Initiative (RGGI) regulations.

House Bill 416 repeals the regulation promulgated by the Pennsylvania Department of Environmental Protection (PADEP) for a carbon cap-and-invest program linked to RGGI regulations found in 25 Pa. Code ch. 145, subch. E. PADEP promulgated this regulation in 2022, but it was never implemented due to various legal challenges. For a summary of Pennsylvania's RGGI rule, see [Vol. 39, No. 2 \(2022\)](#) of this *Newsletter*. The Pennsylvania Commonwealth Court ruled that the regulation constituted an unconstitutional tax in 2023, which the litigants appealed to the Pennsylvania Supreme Court. For a summary of the commonwealth court's decision, see [Vol. 40, No. 4 \(2023\)](#) of this *Newsletter*. Upon the passage of House Bill 416, the Commonwealth filed applications to discontinue its appeal given the legislative abrogation of the regulation at issue. On January 6, 2026, the Pennsylvania Supreme Court issued a per curiam order granting PADEP's application to discontinue the appeal in light of House Bill 416. See *Bowfin v. Dep't of Env't Prot.*, Nos. 106 MAP 2023, 107 MAP 2023, 2025 WL 3854118 (Pa. Jan. 6, 2026) (per curiam) (mem.). The supreme court also dismissed Constellation Energy's appeal and, in doing so, vacated the commonwealth court's decision. See *Shirley v. Pa. Legis. Ref. Bureau*, 113 MAP 2023, 114 MAP 2023, 115 MAP 2023, 116 MAP 2023, 2025 WL 3854690 (Pa. Jan. 6, 2026) (per curiam) (mem.).

The bill also accelerates permitting processes for specific air and water-related general permits. For general permits under the Air Pollution Control Act, PADEP must respond within 20 days, and a final determination must be made within 30 days of the application (if technical deficiencies are addressed within 25 days of submission). If PADEP has not issued a final determination within 30 days of submission, the application is deemed approved and the applicant may proceed under the provisions of the general permit. Similar provisions apply to general National Pollutant Discharge Elimination System permits, where PADEP must respond within 40 days and a final determination must be made within 60 days (if technical deficiencies are addressed within 50 days of submission).

Finally, the bill requires the Pennsylvania Public Utility Commission (PAPUC) to investigate and validate load forecasts submitted by utility companies to the PJM Interconnection. The PAPUC must also coordinate with other states and PJM to ensure accurate system planning. This additional oversight is necessary due to anticipated growth in electricity demand from the construction of new data centers, vehicle and building electrification, and other large load additions.

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