

# Streamlining Permits for Economic Expansion and Economic Development (SPEED) Program Announced

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On August 12, 2024, the Pennsylvania Department of Environmental Protection (PADEP) announced the launch of an initiative from the 2024–25 Budget, Fiscal Code H.B. 2310, signed into law by Governor Shapiro on July 11, 2024, to modernize the permit review process. See Press Release, PADEP, “DEP Launches Two New Initiatives from 2024-25 Budget to Continue to Speed Up Permitting Process” (Aug. 12, 2024). The initiative, Streamlining Permits for Economic Expansion and Development (SPEED) Program, is intended to help PADEP reduce backlogs and process permits more quickly.

The SPEED Program allows permit applicants to use PADEP-verified and qualified third-party contractors to conduct initial reviews of applications for eligible permit types. PADEP was required to issue a request for proposal by mid-October to identify qualified third-party contractors for the SPEED Program. Permits eligible for the SPEED program include air quality plan approvals (state-only) (Pa. Code ch. 127), earth disturbance permits (Pa. Code ch. 102), individual water obstruction and encroachment permits (Pa. Code ch. 105), and dam safety permits (Pa. Code ch. 105). Permit applicants that choose to use a third-party reviewer must pay for any costs associated with the qualified professional's review of the permit application.

Permits under the SPEED Program are subject to specific timelines established in PADEP's Permit Decision Guarantee Policy, see Exec. Order No. 2012-11, “Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee” (Nov. 2, 2012), or separate permit decision timelines if agreed to by PADEP and the applicant. The permit decision timeline starts once the qualified professional certifies to PADEP that no conflict of interest exists with the permit applicant.

The qualified professional will perform a technical review of the eligible permit application, then recommend action to PADEP. After receiving the recommendation, PADEP will issue the permit, deny it, or send a technical deficiency letter to the permit applicant explaining necessary changes. Once issues in the application are resolved, PADEP will issue the permit. If issues are not, or cannot be, resolved, PADEP will deny the permit. If PADEP does not issue or deny the permit within the established timeline, the permit application will be immediately elevated for priority review and PADEP will have 10 business days to make a decision. If a decision is not made within 10 business days, PADEP must refund the permit application fee and pay the qualified professional's cost of the review.

Although PADEP planned to establish a process for the SPEED program by mid-September, as of October 3, 2024, PADEP has not yet published an established process for the SPEED program. SPEED also requires PADEP to create a secure tracking system for applications submitted electronically on PADEP's website within 180 days of the passage of the bill (i.e., by January 7, 2025), so long as funding is provided. Given this quick timeline, permit applicants may be able to utilize SPEED in the first quarter of 2025.

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