

Transparency on Tap

Virginia's online permit revolution

By James Broughel

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The Commonwealth of Virginia has been implementing a Virginia Permit Transparency (VPT) initiative over the last several years, which includes an online permitting portal designed to improve transparency and efficiency in the state's complex permitting processes, particularly for environmental permits. The portal allows permit applicants, agency staff, and the public to track permit applications in real-time across various agencies. By setting target timelines, automating workflow functions, and providing performance data, the VPT initiative aims to enhance accountability, minimize delays, and identify areas for further streamlining. Virginia's efforts, which may have taken inspiration from a similar Federal Permitting Dashboard, serve as a model for other states looking to modernize their permitting processes.

Online permitting portal

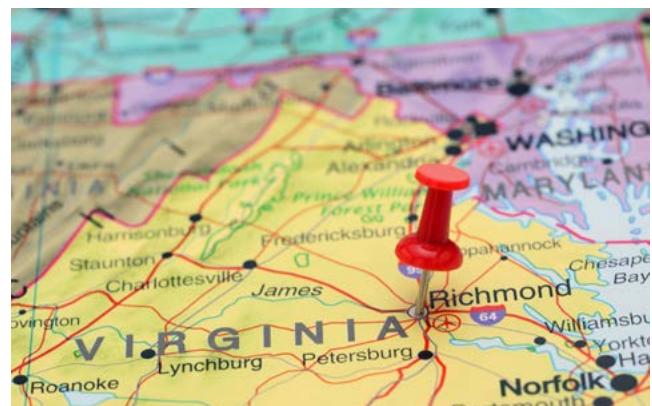
Virginia rolled out an online permitting portal called PEEP—the Permitting Enhancement and Evaluation Platform in late 2022. Branded whimsically with a cartoon marshmallow mascot,¹ PEEP aimed to bring improvements to the “customer experience” regulated entities face when navigating Virginia's complex permitting and regulatory processes.

PEEP began as a pilot program focused on environmental permits from the state Department of Environmental Quality (DEQ). By centralizing permit data from DEQ into a public-facing online dashboard, applicant status and processing times could be tracked in real-time as applications moved through review stages. The DEQ portal represented the first phase of the broader VPT initiative from the administration of Gov. Glen Youngkin.² By early 2024, the PEEP portal had been integrated into a statewide VPT website, with two more state agencies' permits tracked in the portal, along with plans to expand the scope to other state entities in the future.

With the new online permit portal, the Youngkin administration has said that it hopes to increase accountability and efficiency in state permitting processes. In addition to this online transparency initiative, other permitting reforms have taken place in Virginia focused on

consolidating duplicative permitting requirements between state agencies, such as 2023 legislation that consolidated nontidal waters permitting at two state agencies. Taken together, these streamlining efforts exemplify how incremental legislative and technology improvements can work together to modernize state permitting.

Launched in December 2022 after a four-month beta testing period,³ the online PEEP platform was introduced by the Virginia DEQ as a pilot program to bring added transparency and efficiency to the state's environmental permitting processes. Managed by the Virginia DEQ under the leadership of Director Michael Rolband, the publicly-accessible portal allowed permit applicants, agency



¹ “State Innovation Video 2023: Virginia Permitting Enhancement & Evaluation,” Environmental Council of the States, accessed February 13, 2024, <https://www.ecos.org/news-and-updates/state-innovation-video-2023-virginia-permitting-enhancement-evaluation/>.

² Office of the Governor of Virginia, “Governor Glenn Youngkin Announces Release of Virginia Permit Transparency Website,” press release, January 31, 2024, <https://www.governor.virginia.gov/newsroom/news-releases/2024/january/name-1020506-en.html>.

³ Becca Madsen, “If You Can Track a Pizza, You Can Track a Permit,” Environmental Policy Innovation Center, December 12, 2022, <https://www.policyinnovation.org/blog/if-you-can-track-a-pizza-you-can-track-a-permit>.



staff, and the general public to track the status of permit applications across DEQ’s different permitting programs.

PEEP provides real-time visibility into pending permits at DEQ, displaying where permits are at procedurally, timelines for next steps, responsible parties, and actual processing times compared to target timeframes.⁴ Users can search for permits based on elements like location, applicant, project type, or application number, and view details related to the progression of different stages of each permit review.⁵ The tracking system also shows when permits are awaiting additional materials to be provided from applicants vs. awaiting processing actions from DEQ reviewers, as a means to clearly denote who is responsible for next steps.

Initially, PEEP contained data on permits related to water quality protection, with plans to incorporate all of DEQ’s major permit programs by the end of 2023.⁶ As of early 2024, the pilot program phase of the project had concluded, and a more permanent state permitting portal was made available at permits.virginia.gov, which contains data from the DEQ, Virginia Energy, and the Virginia Marine Resources Commission (VMRC), with plans to bring additional agencies onto the portal over time.

The online portal is intended to serve dual purposes, enhancing “customer service” through permit tracking for applicants, while also providing internal workflow functions for agency personnel. By setting target timelines and tracking actual processing times for permits, the statewide VPT dashboard generates performance data that agency leadership and the public can use to diagnose inefficiencies and ensure accountability. The

portal also automates certain workflow functions and provides a centralized project management queue for state government staff. This helps with application management and interagency coordination, which is often required for complex permitting decisions.

The online portal also sends automated email updates to applicants and reviewing staff at key milestones throughout the review process, to notify them about upcoming deadlines and maintain open communication. These features are meant to minimize lags as well as uncertainty surrounding who is responsible for next steps. By tracking metrics like turnaround times from both agency personnel and external applicants at each stage of permit applications, the new portal should provide better data that can assist in future streamlining efforts.

The portal has thus far received national recognition, winning the Environmental Council of States’ 2023 State Innovation Award.⁷ Virginia officials have said they plan to scale the model more extensively across Virginia state government.⁸

Following the federal model

The Virginia permitting portal may have found inspiration from a similar online permitting system at the federal level, overseen by the Federal Permitting Improvement Steering Council (FPISC). The Federal Permitting Dashboard tracks and coordinates reviews for covered major infrastructure projects across a variety of different agencies.⁹

The FPISC was created in 2015 by Title 41 of the Fixing America’s Surface Transportation Act (FAST-41). Its mission is “improving the transparency, predictability, and outcomes of the Federal environmental review and authorization process for certain large-scale critical infrastructure projects.”¹⁰ The FPISC’s online dashboard tracks various infrastructure projects, including those designated as “Covered Projects” under Title 41 of the FAST Act. Project sponsors can apply for FAST-41 designation, which guarantees defined permitting timelines coordinated by FPISC.¹¹

Like the portal in Virginia, the federal permitting dashboard provides public visibility into the federal

⁴ Madsen, “If You Can Track a Pizza, You Can Track a Permit.”

⁵ Virginia Department of Environmental Quality, DEQ Permitting Enhancement and Evaluation Platform, accessed February 13, 2024, <https://portal.deq.virginia.gov/peep-search>.

⁶ Charlie Paullin, “Virginia launches platform to make environmental permit info public,” Virginia Mercury, December 16, 2022, <https://virginiamercury.com/blog-va/virginia-launches-platform-to-make-environmental-permit-info-public/>.

⁷ “State Innovation Award,” Environmental Council of States, accessed February 13, 2022, <https://www.ecos.org/about-ecos/awards/innovation-award/>.

⁸ James Broughel, “Virginia’s New Permitting Portal Is A Model For Other States,” Forbes, June 14, 2023, <https://www.forbes.com/sites/jamesbroughel/2023/06/14/virginias-new-permitting-portal-is-a-model-for-other-states/>.

⁹ Federal Infrastructure Projects Permitting Dashboard, accessed February 13, 2024, <https://www.permits.performance.gov/>.

¹⁰ Federal Infrastructure Projects Permitting Dashboard, The Federal Permitting Improvement Steering Council, accessed February 13, 2024, <https://www.permits.performance.gov/fpisc-content/federal-permitting-improvement-steering-council>.

¹¹ Federal Infrastructure Projects Permitting Dashboard, The FAST-41 Process, accessed February 13, 2024, <https://www.permits.performance.gov/fpisc-content/fast-41-process>.

project approval progress. The federal dashboard also offers useful visualizations and bulk data access.¹² However, some have criticized the dashboard for not being updated regularly enough to enable real-time diagnostics.¹³ While the Dashboard is actively used by multiple federal agencies and State Departments of Transportation,¹⁴ more projects could likely be tracked on the portal, increasing its usefulness.¹⁵ Relatedly, the EPA launched a permitting website, epa.gov/permits, in April of 2024, which provides information about EPA's permitting and environmental review programs, including the status of EPA permits for projects covered by Title 41 of the FAST Act.¹⁶

Future opportunities in Virginia

Online project tracking systems provide valuable transparency. For example, the development of deadlines for procedural stages that previously did not have expected timelines is an important step toward ensuring accountability. Now that Virginia has mapped permitting workflows, regulators should leverage insights from that exercise to amend outdated requirements impeding efficiency.

It is likely that automating certain aspects of the permitting process or shifting toward standardized approval criteria to replace discretionary determinations could lead to opportunities for reduce backlogs. Some aspects of data verification from applicants could be automated, for example. Or project categories could be created where project approval can occur automatically when certain criteria are met. These activities reduce subjective judgment calls by regulators that make permitting more unpredictable and costly.

Annual reporting on deadlines being met or missed across agencies, and even within individual permit classes, would also provide welcome transparency and would shine a light on problem areas that future streamlining efforts could home in on. Adding enforcement

mechanisms that create penalties when agencies miss deadlines could be beneficial. Pennsylvania, for example, has a money-back guarantee policy for missed deadlines.

Consolidating redundant multi-agency reviews is another area of opportunity. For example, in 2023 Virginia passed legislation to streamline permitting requirements for activities in nontidal waters.¹⁷ Previously, permits were required from both the DEQ and the VMRC, creating unnecessary duplication and delays. Under a Memorandum of Agreement signed on June 23, 2023,¹⁸ DEQ will now serve as the lead permitting agency for impacts to nontidal waters. When a DEQ Virginia Water Protection individual or general permit is required for projects affecting nontidal water bodies, no additional permit from VMRC will be necessary.¹⁹ VMRC retains authority to permit certain activities that fall outside DEQ's statutory and regulatory powers.²⁰

In general, portal-generated diagnostics hold considerable promise for identifying stages of the permitting process that are leading to the most delays. In cases where applicants themselves are a source of delay, efforts can also be made to better understand what is causing the delays and how agencies can better assist applicants in finding whatever documentation or data are needed to move the project forward.

Conclusion

Virginia's online permitting portal represents an important step towards transparency in state environmental permitting. By offering a real-time permit case management system, it could serve as a model for other states wishing to implement enhanced transparency initiatives themselves. Environmental permitting broadly continues to pose constraints to energy and infrastructure development nationwide. Virginia's innovative solution may provide a blueprint that removes informational barriers, assists applicants, and provides necessary diagnostics for streamlining state permitting processes.

¹² Federal Infrastructure Projects Permitting Dashboard, Permitting Dashboard Data Portal, accessed February 13, 2024, <https://data.permits.performance.gov/>.

¹³ Madsen, "If You Can Track a Pizza, You Can Track a Permit."

¹⁴ Grover Burtney, Deputy Assistant Secretary for Transportation Policy, Memorandum on Federal Permitting Dashboard Reporting Standard (Washington, DC: US Department of Transportation, December 28, 2018), <https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/339456/federal-permitting-dashboard-reporting-standard.pdf>.

¹⁵ Andy Winkler, "Accelerate the Permitting Process," Bipartisan Policy Center, February 2, 2017, <https://bipartisanpolicy.org/blog/accelerate-the-permitting-process/>.

¹⁶ Environmental Protection Agency, "EPA Launches New Website to Improve Transparency in Permitting," press release, April 2, 2024, <https://www.epa.gov/newsreleases/epa-launches-new-website-improve-transparency-permitting>.

¹⁷ Virginia H.B. 2181—Subaqueous beds; nontidal waters, permit requirements, penalty, 2023 Session, <https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+HB2181>; Virginia S.B. 1074—Subaqueous beds; nontidal waters, permit requirements, penalty, 2023 Session, <https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+SB1074>.

¹⁸ Memorandum of Agreement Between the Virginia Maritime Resources Commission and the Virginia Department of Environmental Quality for Implementation of 2023 Va. Acts Chs. 258 and 259 Regarding Permitting in Non-Tidal Waters of the Commonwealth, June 23, 2023, <https://www.wetlands.com/wp-content/uploads/FINAL-MOANontidal-Permitti.pdf>.

¹⁹ Virginia Department of Environmental Quality, *DEQ News*, Vol. 2, No. 8, June 29, 2023, <https://myemail.constantcontact.com/DEQ-News--June-29--2023.html?soid=1102622079757&aid=H4V8W1mCoLA>.

²⁰ Wetland Studies and Solutions, Inc., "Changes to VMRC Permitting in Non-Tidal Waters," June 29, 2023, <https://www.wetlands.com/vmrc-deq-moa/>.

The Virginia database may have been at least partly inspired by a similar permit-tracking dashboard at the federal level, and there remain opportunities to improve both systems. In Virginia, automating more aspects of the permitting process now that permit stages have been mapped is one source of opportunity. Creating regular reporting with statistics drawn from the database is another. Data from both the federal and Virginia database should be utilized regularly to identify sources of bottlenecks and duplication across agencies, and to remove them either through legislation or executive-led efforts. The EPA, for example, in Washington DC, has built its own permit website that both utilizes and expands upon information in the Federal Permitting Dashboard.

As a next phase in 2024, Virginia should continue to add additional state agencies' permits to the portal. Longer term, integrating business licenses, or federal or local permit components, could increase the usefulness of the database. Beyond improvements to the portal, Virginia should expand upon its other modest permitting streamlining successes. The consolidation of nontidal water permitting authority between VMRC and DEQ removed one source of duplication for applicants. Applying this model to other areas where multiple permits are required across state agencies could represent an easy fix.

Virginia's online permitting portal dashboard improves transparency overall. Translating its insights into operational improvements will require more work. The state is headed in the right direction and other states should take notice.

About the author

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