

## AMENDMENTS TO SENATE BILL NO. 198

Sponsor: SENATOR BARTOLOTTA

Printer's No. 81

1 Amend Bill, page 2, lines 1 through 10, by striking out "A  
2 decision justification document" in line 1 and all of lines 2  
3 through 10 and inserting

4 The document issued by the department to an applicant which  
5 conveys the department's approval or denial of a permit  
6 application, along with any and all documents or other evidence  
7 issued, created or relied upon by the department in its  
8 consideration of the application, including, but not limited to,  
9 correspondence to or from an applicant, any administrative  
10 completeness determination, any technical deficiency letter or  
11 written response thereto, any records or documents submitted to  
12 the department regarding the application, any public comment on  
13 the application and any written response by the department or  
14 the applicant regarding public comment on a permit application,  
15 other State agency written comment to a permit application and  
16 written response by the department or permit applicant.

17 Amend Bill, page 2, line 22, by striking out "standard for"

18 Amend Bill, page 2, lines 23 through 26, by striking out "The  
19 moving party must prove" in line 23 and all of lines 24 through  
20 26 and inserting

21 No party shall be permitted to present new evidence before  
22 the board that was not part of the record of decision as  
23 considered by the department. Any party challenging the decision  
24 of the department before the board must demonstrate, by a  
25 preponderance of the evidence, that the department committed an  
26 abuse of its discretion in denying or granting the permit  
27 application being appealed.