
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1325 Session of
2015

INTRODUCED BY BARTOLOTTA, RESCHENTHALER, VOGEL, MENSCH,
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JUNE 17, 2016

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 17, 2016

AN ACT

1 Providing for erosion and sediment control requirements.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Erosion and
6 Sediment Control Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Conservation district." A conservation district, as defined
12 in section 3(c) of the act of May 15, 1945 (P.L.547, No.217),
13 known as the Conservation District Law, which has a delegation
14 agreement executed with the department to administer and enforce
15 all or a portion of the requirements under 25 Pa. Code Ch. 102
16 (relating to erosion and sediment control).

17 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Earth disturbance." A construction activity or other human
3 activity which disturbs the surface of the land.

4 "Expedited application." An application for a permit which
5 is signed and sealed by a licensed professional.

6 "Licensed professional." A professional engineer, landscape
7 architect, geologist or land surveyor licensed to practice in
8 this Commonwealth.

9 "Oil and gas activities." Activities associated with oil and
10 gas exploration, production, gathering, processing, treatment
11 operations or transmission facilities.

12 "Permit." An erosion and sediment control permit required
13 under this act.

14 Section 3. Erosion and sediment control permits.

15 (a) Permit requirement.--A person seeking to commence a
16 project involving oil and gas activities that will cause five
17 acres or more of earth disturbance shall submit an application
18 and obtain an erosion and sediment control permit from the
19 department or a conservation district before commencing the
20 project.

21 (b) Issuance of permit.--The following apply:

22 (1) Except as otherwise provided under this act, if a
23 permit application complies with 25 Pa. Code Ch. 102
24 (relating to erosion and sediment control) and is complete as
25 determined by the department or a conservation district, the
26 department or conservation district shall issue a permit to
27 the applicant within 45 business days of receipt or within 14
28 business days of receipt in the case of an expedited
29 application.

30 (2) The department or conservation district shall

1 complete an administrative review of a permit application
2 within five business days of receipt. If a permit application
3 is determined to be incomplete, the applicant shall be
4 notified in writing within five business days. The
5 notification shall specify the specific deficiency of the
6 permit application.

7 (3) The department may impose reasonable prohibitions on
8 the use of an expedited permit, including prohibitions on the
9 following:

10 (i) Projects in, or with the potential to discharge
11 in, a watershed designated as high quality or exceptional
12 value under 25 Pa. Code Ch. 93 (relating to water quality
13 standards).

14 (ii) Projects in or on a floodplain.

15 (iii) Projects on lands that are known to be
16 currently contaminated by the release of regulated
17 substances as defined in section 103 of the act of May
18 19, 1995 (P.L.4, No.2), known as the Land Recycling and
19 Environmental Remediation Standards Act.

20 (iv) Transmission projects.

21 (4) If a permit application is denied, the department or
22 conservation district shall notify the applicant in writing
23 within five business days of denying the permit application.
24 The notification shall specify the justification for denying
25 the permit application, including citing any relevant law or
26 regulation of this Commonwealth which is not sufficiently
27 addressed in the permit.

28 Section 4. Compliance with laws of this Commonwealth.

29 The department or a conservation district may utilize a
30 general permit to implement this act and impose permit terms and

1 conditions necessary to ensure compliance with the laws of this
2 Commonwealth administered by the department.

3 Section 5. Fees.

4 A permit application shall be accompanied by a \$500
5 administrative filing fee, plus an additional \$100 for each
6 disturbed acre. Fees shall be paid to the primary reviewing
7 entity in the event that both the department and a conservation
8 district completes the review. No earlier than three years after
9 the effective date of this section, the Environmental Quality
10 Board may, by regulation, increase the fee to cover the
11 administrative costs of processing the permit applications.

12 Section 6. Quarterly reports.

13 (a) Contents.--The department shall submit a quarterly
14 report to the Environmental Resources and Energy Committee of
15 the Senate and the Environmental Resources and Energy Committee
16 of the House of Representatives detailing the department's
17 implementation of this act. At a minimum, the report shall
18 contain the following:

19 (1) The number of permit applications received in the
20 prior 12 months.

21 (2) The number of applications approved.

22 (3) The average time frame from date of submission for
23 review of permit applications, organized by the regional
24 office of the department.

25 (4) The average time frame from the date of submission
26 for technical review of applications organized by the
27 regional office of the department.

28 (5) The number of permit application reviewers on staff
29 in the department.

30 (6) The average workload of each permit application

1 reviewer, which shall be organized by the regional office of
2 the department.

3 (7) Primary reasons for administrative or technical
4 deficiencies or permit application denials, including the
5 citations to any relevant law or regulation of this
6 Commonwealth which are not sufficiently addressed in the
7 report, which shall be organized by the regional office of
8 the department.

9 (8) The number of licensed professionals sanctioned by
10 the department due to the submission of routinely deficient
11 expedited permit applications and the primary reasons for the
12 sanctions.

13 (9) Any other relevant information as determined by the
14 department.

15 (b) Submission.--The initial quarterly report shall be
16 submitted within 60 days of the effective date of this
17 subsection. Subsequent quarterly reports shall be submitted no
18 later than 30 days after the last day of the preceding quarter.

19 Section 7. Construction.

20 Nothing in this act shall be construed to exempt a person
21 seeking to commence a project involving oil and gas activities
22 that will cause less than five acres of earth disturbance and
23 that is not required to obtain a permit from complying with
24 other applicable provisions of 25 Pa. Code Ch. 102 (relating to
25 erosion and sediment control).

26 Section 8. Effective date.

27 This act shall take effect in 60 days.