
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2699 Session of
1994

INTRODUCED BY MIHALICH, TANGRETTI, MARKOSEK, KUKOVICH, KASUNIC,
VAN HORNE AND STAIRS, APRIL 11, 1994

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 11, 1994

AN ACT

1 Providing for time frames for clearance actions affecting
2 environmental permits.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Environmental
7 Permit Clearance Act.

8 Section 2. Definitions.

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

12 "Clearance." A determination by a clearing agency that a
13 proposed action will not adversely impact upon a resource
14 protected by the clearing agency.

15 "Clearing agency." Any of the following:

16 (1) The Pennsylvania Fish and Boat Commission.

17 (2) The Pennsylvania Game Commission.

(3) The Pennsylvania Historical and Museum Commission.
"Department." The Department of Environmental Resources of
the Commonwealth.

Section 3. Clearance.

If a permit under a statute for the protection of the
environment is dependent upon a clearance, the following shall
apply:

(1) Within 30 days of receipt of a request for
clearance, the clearing agency must make a determination of
whether a study is required to issue the clearance. Failure
to act within the time specified in this paragraph shall be
deemed a determination that no study is necessary.

(2) If a study is required under paragraph (1), the
clearing agency:

(i) shall pay for the study; and

(ii) must complete the study within 60 days.

(3) Regardless of whether a study is required under
paragraph (1), within 90 days of a receipt of a request for
clearance, the clearing agency must issue a clearance or a
statement that there is no clearance. Failure to act within
the time specified in this paragraph shall be deemed the
issuance of a clearance.

Section 4. Repeals.

All acts and parts of acts are repealed insofar as they are
inconsistent with this act.

Section 5. Applicability.

For purposes of section 3, clearances pending on the
effective date of this act shall be deemed requested on the
effective date of this act.

Section 6. Effective date.

1 This act shall take effect in 60 days.