



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1659

PRINTERS NO. 3816

PRIME SPONSOR: Pyle

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	\$0

SUMMARY: House Bill 1659, Printer's Number 3806, provides for the review of permit applications by the Department of Environmental Protection. The act shall take effect in 120 days upon enactment.

ANALYSIS: This bill establishes the Department of Environmental Protection (DEP) Permit Review and Issuance Act and a process by which permit applications submitted to the department are reviewed and approved. The process, however, does not apply to permits issued solely to comply with Federal law or a for a project that is subject to an existing specific State statutory or regulatory review deadline that is sooner than the applicable deadline under this act. Any additional permit related to the same project that does not have a specific State statutory or regulatory review deadline shall be reviewed in accordance with the statutory or regulatory deadline for the permit exempted under this paragraph.

It also inserts language stating that an applicant shall, "at their option, have an opportunity to" participate in a preapplication meeting. Permit applicants will first meet with DEP and submit project descriptions and a completion schedule prior to submitting an application.

Upon formal submission, permit applications shall be marked to indicate that they have officially been received by DEP and the applicant will receive an official permit review schedule that shows when a final decision will be determined. The application review process will then proceed according to the following time frames:

- Application completeness and technical review, not more than 30 days;
- Applicant response to identified deficiencies identified by completeness and technical, not more than 90 days; and
- Final review and determination of the application or resubmitted application – if returned after the completeness and technical review – not more than 60 days.

If the department fails to issue a decision on an application in accordance with the review schedule or an alternate review schedule; the application shall be deemed approved. Any person aggrieved by a final decision under this bill act shall have the right, within 30 days, to appeal the final action to the Environmental Hearing Board.

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The bill also requires the department to implement a plan to use qualified nondepartmental employees to undertake permit application reviews as a way to enhance the timeliness and effectiveness of the permit review process. A copy of the plan shall be submitted to all members of the Environmental Resources and Energy Committee of the Senate and the House of Representatives respectively.

FISCAL IMPACT: Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds. It is expected the department will continue to have some operational costs related to both administrative and equipment needs as technology continues to develop for such electronic submissions and technical reviews. However, the bill does state that, if funds are appropriated by the General Assembly, the department may use up to \$1,000,000 to establish a department-wide program for the electronic submission, review and approval of any permit application submitted.

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House Appropriations Committee (R)

DATE: June 25, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.