



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1105

PRINTERS NO. 2239

PRIME SPONSOR: Nelson

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 1105, Printer's Number 2239, amends the Land Recycling and Environmental Remediation Standards Act to create a consolidated standards permit.

ANALYSIS: This bill amends the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995) by adding a subsection to create a consolidated standards permit under Section 902 addressing permits and other requirements.

It states that a person conducting remediation activities may obtain a consolidated standards permit and is not required to obtain a permit, license, plan approval or other approval in connection with the activity under the following: the Clean Streams Law (Act 394 of 1937); the Air Pollution Control Act (Act 787 of 1960); the Solid Waste Management Act (Act 97 of 1980); the Infectious and Chemotherapeutic Waste Law (Act 93 of 1988); or the Storage Tank and Spill Prevention Act (Act 32 of 1989) or other Federal statutes relating to environmental protection or the protection of public health.

A person who obtains a consolidated standards permit under this subsection is deemed to be in compliance with the requirement to obtain a permit, license, plan approval or other approval in connection with the activity under the applicable provisions of those acts and regulations.

It also states that the department shall grant or deny a consolidated standards permit within 120 calendar days from its receipt of an application. The department may extend the review under this paragraph to comply with required Federal notice requirements. The department shall submit a report to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives on the utilization of the consolidated standards permit.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds. However, the Department of Environmental Protection (DEP) is expected to have some initial administrative costs which would be covered under existing operations to implement and meet review timeframes of a consolidated standards permit.

The bill does not impose or remove any current program requirements so all technical guidance documents, reviews, regulations, permit fees or other DEP requirements would still apply and be incorporated into the consolidated standards permit. Agency program staff would need to coordinate all requirements of the state and federal statutes listed in the bill to manage the review and approval process under the act. The bill also authorizes DEP to extend its permit review time to comply with Federal notice requirements.

It should be noted DEP staff are currently updating and streamlining other program permit reviews by implementing General Permits under the authority of existing statutes. For example, the department recently announced a new draft PAG-01 General Permit for erosion (Chapter 102) and sedimentation control (Chapter 105), which is reportedly part of a series of departmental initiatives “to simplify and speed up permit reviews.” Other states have also implemented similar permit approaches, such as Ohio’s Voluntary Action Program enacted in 1994 (S.B. 221; 1994 Ohio Laws 154).

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House Appropriations Committee (R)

DATE: June 25, 2019

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