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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 588 Session of  
2017

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INTRODUCED BY ZIMMERMAN, WARD, DUNBAR, CUTLER, DIAMOND, MILLARD,  
FEE, MALONEY, GREINER, GROVE, B. MILLER, BLOOM, SAYLOR,  
HICKERNELL, IRVIN, GABLER, MOUL, CORBIN, EVERETT, RADER AND  
COX, FEBRUARY 23, 2017

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 23, 2017

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AN ACT

1 Providing for an erosion and sediment control permit, for  
2 compliance, for an annual report and for duties of the  
3 Department of Environmental Protection.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Erosion and  
8 Sediment Control Permit Act.

9 Section 2. Definitions.

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

13 "Administratively incomplete." Lacking required documents  
14 and related information necessary for department review.

15 "Department." The Department of Environmental Protection of  
16 the Commonwealth.

17 "Licensed engineer." An engineer licensed under the act of

1 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land  
2 Surveyor and Geologist Registration Law.

3 Section 3. Permit requirements.

4 Except those projects subject to National Pollution Discharge  
5 Elimination System requirements, a person proposing an earth  
6 disturbance activity regulated by 25 Pa. Code Ch. 102 (relating  
7 to erosion and sediment control) shall obtain an erosion and  
8 sediment control permit from the department in accordance with  
9 25 Pa. Code Ch. 102 prior to commencing the earth disturbance  
10 activity.

11 Section 4. Issuance of permit.

12 (a) Issuance.--The department or a conservation district  
13 which has a delegation agreement executed with the department to  
14 administer and enforce all or a portion of the requirements  
15 contained in 25 Pa. Code Ch. 102 (related to erosion and  
16 sediment control) shall issue a permit within 45 days of  
17 submission of a permit application unless the permit  
18 application:

- 19 (1) is administratively incomplete; or  
20 (2) fails to comply with the provisions of 25 Pa. Code  
21 Ch. 102.

22 (b) Approval.--Any permit application submitted in  
23 accordance with this act by an engineer licensed under the act  
24 of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land  
25 Surveyor and Geologist Registration Law, shall be approved  
26 within 20 days of receipt. An application shall include the  
27 name, signature and license number of the engineer.

28 (c) Notification of denial.--If a permit application  
29 required under this section is denied, the department shall  
30 notify the applicant in writing within five days of the denial

1 of the permit application. The notification shall specify the  
2 reason for the denial of the permit application.

3 Section 5. Compliance with laws of the Commonwealth.

4 The department, or a conservation district authorized under  
5 section 4, may impose permit terms and conditions necessary to  
6 assure compliance with laws administered by the department.

7 Section 6. Annual report.

8 No later than January 31 of each year, the department shall  
9 submit an annual report to the General Assembly. At a minimum,  
10 the report shall contain the following:

11 (1) Number of permit applications received under this  
12 act in the prior calendar year.

13 (2) Number of permit applications approved.

14 (3) Average time frame for review of applications,  
15 organized by regional office of the department.

16 (4) Number of permit reviewers on staff in the  
17 department and the average workload of each permit reviewer,  
18 organized by regional office of the department.

19 (5) Reasons cited for administrative or technical  
20 deficiencies or permit denials.

21 Section 7. Effective date.

22 This act shall take effect in 60 days.