
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1353 Session of
2017

INTRODUCED BY BLOOM, WARD, PICKETT, MILLARD, GODSHALL, SOLOMON,
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MAY 9, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 9, 2017

AN ACT

1 Requiring the Department of Environmental Protection to provide
2 certain notice relating to incomplete and technically
3 deficient applications.

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 Fairness in
8 Environmental Protection Permitting 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 "Applicant." A person that submits an application for a
14 permit to the department.

15 "Application." A submittal to the department by a person
16 that seeks or otherwise requests any of the following:

17 (1) New permit.

- 1 (2) Permit renewal.
- 2 (3) Permit amendment.
- 3 (4) Permit modification.
- 4 (5) Permit transfer.
- 5 (6) Change of ownership of a permit.

6 "Application manager or permit reviewer." The specific
7 department staff member that is responsible for the processing
8 of an application and is the primary contact for review of the
9 application.

10 "Completeness review." The process by which department staff
11 review applications to determine if the applications are
12 complete and technically adequate, addressing all applicable
13 regulatory and statutory requirements.

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

16 "Incomplete application." An application package that does
17 not include all required documents and information necessary to
18 perform a completeness review.

19 "Permit." Authorization issued by the department or under a
20 delegated agreement by the department, giving approval to
21 perform a regulated activity. The term includes the
22 authorization type of permit, plan approval and registration
23 under a general permit. The term does not include a
24 certification or license.

25 "Person." An individual, firm, joint venture, partnership,
26 corporation, association, municipality, municipal authority,
27 cooperative association or joint stock association, including a
28 trustee, receiver, assignee or personal representative thereof.

29 "Technical review." A review of the technical aspects of an
30 application to determine if the application meets all regulatory

1 and statutory requirements required for permit issuance.

2 "Technically deficient application." An application package
3 that does not include all necessary documents and information in
4 sufficient detail to perform a technical review.

5 Section 3. Incomplete and technically deficient applications.

6 (a) General rule.--If an application manager finds an
7 incomplete application or technically deficient application, the
8 application manager shall notify the applicant in writing or
9 electronically of all deficiencies in the application. The
10 notification shall:

11 (1) cite precisely which provision of a statute or
12 regulation requires a correction of or additional information
13 within the application;

14 (2) state precisely why the application is not in
15 conformance with the cited regulation or statute; and

16 (3) enumerate precisely the additional information or
17 corrections necessary for a permit or authorization.

18 (b) Time period.--

19 (1) When an application is determined to be incomplete,
20 the application manager shall notify the applicant of the
21 determination within 10 business days of receipt of the
22 application.

23 (2) When an application is determined to be technically
24 deficient, the application manager shall notify the applicant
25 of the determination within 20 business days following an
26 affirmative conclusion of a completeness review.

27 Section 4. Effective date.

28 This act shall take effect in 60 days.