

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 414 Session of 2019

INTRODUCED BY ZIMMERMAN, GREINER, RYAN, BARRAR, OBERLANDER, McNEILL, IRVIN, MILLARD, PICKETT, M. K. KELLER, HILL-EVANS, BENNINGHOFF, KEEFER, B. MILLER, HERSHEY, ROTHMAN, MALONEY, TOOHIL, GLEIM, RADER, FRITZ, GAYDOS, JONES AND COX, FEBRUARY 6, 2019

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 2019

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.

1 "Licensed engineer." An engineer licensed under the act of
2 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land
3 Surveyor and Geologist Registration Law.

4 Section 3. Permit requirements.

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

12 Section 4. Issuance of permit.

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

20 (1) is administratively incomplete; or

21 (2) fails to comply with the provisions of 25 Pa. Code
22 Ch. 102.

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

29 (c) Notification of denial.--If a permit application
30 required under this section is denied, the department shall

1 notify the applicant in writing within five days of the denial
2 of the permit application. The notification shall specify the
3 reason for the denial of the permit application.

4 Section 5. Compliance with laws of this Commonwealth.

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

8 Section 6. Annual report.

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

12 (1) Number of permit applications, BROKEN DOWN BY <--
13 INDUSTRY SECTOR, received under this act in the prior
14 calendar year.

15 (2) Number of permit applications, BROKEN DOWN BY <--
16 INDUSTRY SECTOR, approved.

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

19 (4) Number of permit reviewers on staff in the
20 department, INCLUDING THE NUMBER AND NAMES OF LICENSED <--
21 ENGINEERS, and the average workload of each permit reviewer,
22 organized by regional office of the department.

23 (5) Reasons cited for administrative or technical
24 deficiencies or permit denials.

25 (6) TOTAL REVENUE OF PERMIT APPLICATION FEES COLLECTED <--
26 UNDER 25 PA. CODE CH. 102 (RELATING TO EROSION AND SEDIMENT
27 CONTROL) AND BROKEN DOWN BY INDUSTRY SECTOR.

28 Section 7. Effective date.

29 This act shall take effect in 60 days.