
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2387 Session of
2015

INTRODUCED BY ZIMMERMAN, MILLARD, SAYLOR, IRVIN, GREINER, FEE,
CUTLER, MALONEY, RADER, HARHART, WARD, B. MILLER, PICKETT,
CORBIN, ENGLISH, EVERETT, WATSON, M. K. KELLER, KAVULICH,
BLOOM, GROVE, OBERLANDER, HELM AND GILLEN, OCTOBER 3, 2016

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
OCTOBER 3, 2016

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

11 (b) Permit application.--

12 (1) A permit application submitted by a licensed
13 engineer must include the engineer's name, signature and
14 license number.

15 (2) A permit application submitted in accordance with
16 this act by a licensed engineer shall be approved by the
17 department within 20 days of receipt.

18 (c) Issuance of permit.--

19 (1) The department or a conservation district that has a
20 delegation agreement executed with the department to
21 administer and enforce all or a portion of the requirements
22 contained in 25 Pa. Code Ch. 102 shall issue a permit within
23 45 days of submission of a permit application unless the
24 permit application:

25 (i) is administratively incomplete; or

26 (ii) fails to comply with the provisions of 25 Pa.
27 Code Ch. 102.

28 (2) If a permit application required under this section
29 is denied, the applicant shall be notified in writing within
30 five days of denial of the permit application. The

1 notification shall specify the reason why the permit
2 application has been denied.

3 (d) Compliance.--The department or a conservation district
4 authorized under subsection (c), may impose permit terms and
5 conditions necessary to assure compliance with laws administered
6 by the department.

7 Section 4. Annual report.

8 No later than January 31 of each year, the department shall
9 submit an annual report to the General Assembly. The report
10 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 permit
15 applications, 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 5. Effective date.

22 This act shall take effect in 60 days.