

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 559 Session of  
2023

---

INTRODUCED BY ZIMMERMAN, KAUFFMAN, MENTZER, PROBST, PICKETT,  
HAMM, MOUL, GLEIM AND KEEFER, MARCH 20, 2023

---

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 20, 2023

---

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  
18 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land

1 Surveyor and Geologist Registration Law.

2 Section 3. Permit requirements.

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

10 Section 4. Issuance of permit.

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

18 (1) is administratively incomplete; or

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

21 (b) Approval.--Any permit application submitted in  
22 accordance with this act by a licensed engineer shall be  
23 approved within 20 days of receipt. An application shall include  
24 the name, signature and license number of the licensed engineer.

25 (c) Notification of denial.--If a permit application  
26 required under this section is denied, the department shall  
27 notify the applicant in writing within five days of the denial  
28 of the permit application. The notification shall specify the  
29 reason for the denial of the permit application.

30 Section 5. Compliance with laws of this Commonwealth.

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

4 Section 6. Annual report.

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

8 (1) Number of permit applications, broken down by  
9 industry sector, received under this act in the prior  
10 calendar year.

11 (2) Number of permit applications, broken down by  
12 industry sector, approved.

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

15 (4) Number of permit reviewers on staff in the  
16 department, including the number and names of licensed  
17 engineers, 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 (6) Total revenue of permit application fees collected  
22 under 25 Pa. Code Ch. 102 (relating to erosion and sediment  
23 control) and broken down by industry sector.

24 Section 7. Effective date.

25 This act shall take effect in 60 days.