

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2013D02633DMS : EAZ

No. 504

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of Department of Environmental Protection, further providing for cooperation with municipalities.

Public Not and Access

INTRODUCED February 13 2013

By Dinniman District NO. 19

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20____
Reported _____	20____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," in powers and duties of
21 Department of Environmental Protection, further providing for
22 cooperation with municipalities.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Section 1905-A of the act of April 9, 1929
26 (P.L.177, No.175), known as The Administrative Code of 1929,
27 amended February 17, 1984 (P.L.75, No.14) and August 14, 1991

1 by the Department of Environmental Protection regarding the
2 permit application, to be provided at least five (5) days prior
3 to the hearing date.

4 (2) In the case of written notices sent pursuant to
5 [subclauses (i)] clause (1)(i), (ii), (iii) and (iv), the
6 written notices shall be received by the municipalities and each
7 landowner at least thirty (30) days before the Department of
8 Environmental [Resources] Protection may issue or deny the
9 permit. In the case of written notices sent pursuant to
10 subclause (v), the written notices shall be received by the
11 municipalities and each landowner at least sixty (60) days
12 before the Department of Environmental [Resources] Protection
13 may issue or deny the permit.

14 (3) The provisions of this subsection shall not apply to
15 permits relating to coal mining activities issued under the act
16 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
17 Law," the act of May 31, 1945 (P.L.1198, No.418), known as the
18 "Surface Mining Conservation and Reclamation Act," the act of
19 April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The
20 Bituminous Mine Subsidence and Land Conservation Act," and the
21 act of September 24, 1968 (P.L.1040, No.318), known as the "Coal
22 Refuse Disposal Control Act."

23 (4) When the department issues an emergency permit to
24 respond to or alleviate an actual or imminent threat to life,
25 property or the environment, such as activities conducted in
26 compliance with the emergency response provisions of the Natural
27 Gas Pipeline Safety Act of 1968 (Public Law 90-481, 49 U.S.C. §
28 1671 et seq.) and 49 CFR 192.615 (relating to emergency plans),
29 the provisions of clause (2) and any other provision in
30 regulation requiring notice to the affected municipality shall

1 not apply. The applicant shall notify the affected municipality
2 of an emergency permit as soon as possible verbally and provide
3 a follow-up notice in writing within forty-eight (48) hours from
4 the issuance of an emergency permit.

5 (c) The notice to landowners and residents under subsection
6 (b) (1.1) (i) shall contain the following information:

7 (1) A description of the type of permit application
8 submitted to the Department of Environmental Protection.

9 (2) A brief description of the activity planned for the
10 project under the permit application.

11 (3) A statement that the project activity under the permit
12 application is anticipated to have one or more impacts on the
13 landowners.

14 (4) A brief description of the anticipated impact or
15 impacts.

16 (d) Notwithstanding any provision of law to the contrary,
17 the Department of Environmental Protection shall post in its
18 entirety on its publicly accessible Internet website each
19 application for a permit and permit revision listed in
20 subsection (b) (1) and all related supporting documents submitted
21 to the Department of Environmental Protection.

22 (e) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Area of concern." An area where all of the following apply:

26 (1) An area defined by a radius of one-half mile from the
27 center of a proposed permit activity or, where an activity is
28 not centralized, an area extending one-half mile beyond the
29 boundary of the proposed activity.

30 (2) An area where one or more impacts of the type for which

1 the Department of Environmental Protection is authorized to
2 analyze are anticipated.

3 (3) An area where one or more impacts that are not included
4 under clause (2), such as noise, vibration or odor, are
5 reasonably anticipated to arise from the proposed permitted
6 activity.

7 "Resident." A unit owner or proprietary lessee of a common
8 interest property established under Title 68 of the Pennsylvania
9 Consolidated Statutes (relating to real and personal property)
10 or a lessee of any building or portion thereof that is leased as
11 a residence.

12 Section 2. This act shall take effect in 60 days.

CSM # 1783

Draft # D02633

Co-Sponsorship Report

Posted: January 23, 2013 04:42 PM

To: All Senate Members

From: Senator Andrew Dinniman

Subject: **DEP Public Notification and Access to Information Act; Pipeline Acre-for-Acre; and Condemnation Approval** (Document #1)

- | | |
|----------------------------------|-------------------|
| 1. Senator Wayne Fontana | added by bbartkus |
| 2. Senator John Rafferty | added by cboyer |
| 3. Senator Shirley Kitchen | added by cfreeman |
| 4. Senator Christine Tartaglione | added by kbenton |
| 5. Senator Jay Costa | added by agriffin |
| 6. Senator Edwin Erickson | added by gstele |
| 7. Senator LeAnna Washington | added by mdeery |
| 8. Senator James Brewster | added by scassin |
| 9. Senator Vincent Hughes | added by jhopp |
| 10. Senator John Yudichak | added by rfox |
| 11. Senator Charles McIlhinney | added by greinard |