TO: All Honorable Members of the Pennsylvania Senate
FROM: Kevin Sunday, Director of Government Affairs
DATE: May 21, 2018
RE: Support Permitting Appeal Reform Legislation

The PA Chamber has long held that growing the economy and improving the environment are not mutually exclusive. The state’s robust set of laws and regulations provide consideration to both. Of utmost importance to private businesses is certainty, given that investment and financing decisions by companies often are not green-lighted until all appeals are settled.

As such, we ask for your support of legislation, being drafted by Senator Camera Bartolotta, that will provide that certainty by limiting what issues the Environmental Hearing Board (the administrative court that hears appeals to actions taken by the Department of Environmental Protection) considers in appeals of issued permits or authorizations.

The legislation will establish that only issues raised by commentators and interested parties during the public comment process on a project can be considered in the appeal to EHB; in our view, it is unreasonable for third-parties to wait until a project has already been permitted (and designed) to challenge that project’s permit by raising issues that were not brought to the attention of DEP or the project applicant during the comment period.

This legislation will also ensure that DEP, in cases where it establishes a record of decision for permits and authorizations, will have more durable permits, thereby reducing department staff time and resources in defending its decisions against third-party litigation. We encourage you to add your name as a co-sponsor to this important legislation.

For questions, please contact Kevin Sunday, Director of Government Affairs, at ksunday@pachamber.org or (717) 720-5443.