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VIA ELECTRONIC FILING

Technical Guidance Coordinator
Policy Office
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
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Jan. 27, 2020

RE: Policy for Pennsylvania Historical and Museum Commission (PHMC) and Department of Environmental Protection (Department) Coordination During Permit Application Review and Evaluation of Historic Resources (DEP ID 012-0700-001)

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth of Pennsylvania, thank you for the opportunity to comment on the proposed revisions to the policy outlining the coordination process between DEP and PHMC during permit reviews.

It is our understanding based on conversations with agency staff that the goal of this revised policy is to improve flexibility and operational efficiency by both agencies, through amending the appendix of exempted permitted activities instead of explicated programmatic permits and authorizations. We appreciate the effort to create a more effective and efficient permit review process, and we also encourage several clarifications in the language of the final revised policy.

First, we request a section defining the “limits of authority,” which exists in the current policy but is proposed to be removed in the revisions. While we recognize that the existing PHMC regulations governing private landowner access remain on the books and are not (nor cannot be) abrogated by policy, our members encourage there continue to be a reminder referencing these regulations in the policy.

Second, we request several clarifications in Appendix A regarding exempted activities. In Item 8, the exemption includes the condition that the activity “may not be exempt if the original top soil is removed before applying the fill.” We request clarification if the word “may” indicates an exemption will never be granted, or if an exemption “may” occur at the judgment of the permitting review staff. Similarly, Item 9 conditions the exemption “may” be granted “if activity occurs on previously timbered site and the same skid lines and landing areas are used.” As with Item 9, does the word “may” indicate the exemption always applies if these conditions exist, or is the exemption only granted at the discretion of the permit review staff?

In closing, thank you for the opportunity to submit comments on behalf of our broad-based membership and for your consideration of our perspective in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Sunday'. The signature is written in a cursive, flowing style.

Kevin Sunday
Director, Government Affairs