



TO: The Honorable Members of the Senate Environmental Resources and Energy Committee

FROM: Kevin Sunday, Director, Government Affairs

DATE: May 10, 2023

RE: Support SB 198 and SB 199 - Permitting Appeals Reform

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth, representing nearly 10,000 member companies of all sizes from across all commercial and industrial sectors, I write to strongly encourage you to **vote yes on SB 198 and 199**, which respectively give DEP discretion to limit the scope of permit appeals solely to the issues raised during comment and which requires confirmation for judges being renominated for additional terms to the Environmental Hearing Board, the administrative court that adjudicates complaints to DEP's permits.

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 SB 198, introduced by Senator Bartolotta, that will provide that certainty by limiting, at DEP's discretion, what issues the EHB 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.

Such is the already the standard for appeals under the state's Hazardous Sites Clean-Up Act and to federal permits issued by the EPA. This approach is also part of the PA Chamber's [permitting reform plan](#) and was also endorsed by the Pennsylvania Building and Construction Trades Council in a [joint op-ed with the leaders of both organizations](#) that ran in various outlets earlier this year.

We urge your support for both of these bills, and we thank Chairman Yaw and members of the committee for making a priority permitting reform that will move Pennsylvania forward and expand opportunity to its residents.

For any questions, please contact Kevin Sunday, Director of Government Affairs, at ksunday@pachamber.org or 717 645-2071.