



September 24, 2019

To: Members of the Pennsylvania House of Representatives
From: Pennsylvania Environmental Council and Environmental Defense Fund
Re: **Opposition to HB 1106 (P.N. 1599) and HB 1107 (P.N. 1600)**

Dear Representatives:

The Pennsylvania Environmental Council and Environmental Defense Fund strongly urge you to **vote against House Bill 1106 and House Bill 1107**, which are expected to come up for a vote in the House of Representatives this week. Both bills would wholly destabilize environmental permitting in Pennsylvania.

House Bill 1106 sets time limits for permit reviews, establishes “deemed approval” of permits, and provides for alternative review of permit application documents. This legislation is flawed for multiple reasons:

- The legislation mandates a 30 day permit review time frame for all permit applications regardless of the complexity or scale of the proposed activity, or state and federal requirements. While a shortened review period may be feasible for activities governed by general permits, it is entirely inappropriate for permits that require substantive analysis and proficiency.
- The legislation compels approval of permit applications if they are signed by a professional engineer, regardless of the engineer’s professional qualifications and without any conflict of interest protections.
- The legislation eliminates any reasonable opportunity for public review and comment on permit applications.
- The legislation adds another layer of permit application review through the Environmental Hearing Board, without any clear guidance or financial support for this new process.

These provisions undermine the integrity of permitting decisions, compel decisions without allowing for reasonable opportunity and analysis, and potentially threaten Pennsylvania’s primacy delegation under federal law.

House Bill 1107 removes permitting and regulatory authority from the Department of Environmental Protection and hands it to a newly established, politically appointed commission. The legislation fails to justify how instituting an entirely new bureaucracy, driven by political appointees, would ensure public health and environmental protection in Pennsylvania, or lead to greater permitting efficiencies. As with HB1106, House Bill 1107 will assuredly lead to legal challenges and invite revocation of state primacy.

For these reasons, we ask that you vote against House Bills 1106 and 1007.

Thank you for your consideration.

John Walliser
Pennsylvania Environmental Council

Andrew Williams
Environmental Defense Fund