IN OPPOSITION to

Bill 7298 AN ACT CONCERNING THE PERMITTING FOR CERTAIN SOLID WASTE FACILITIES AND THE DESIGNATION OF RECYCLABLE ITEMS.

On behalf of The Nature Conservancy, I would like to express our strong opposition to Bill 7298, which would reverse important aspects of a bi-partisan bill that was passed last year unanimously by the Senate and with only 23 negative votes in the House.

Section 561 on page 615 of 2017’s special session budget bill, Public Act 17-2, included a provision which established an unworkable and confusing requirement on DEEP to either render a decision on all commercial permit applications within 90 days or issue an approval for the permit. The provision included reference to some applications that are not even for permits and for some that do not even exist.

Despite having had its staff cut by over 25% in the past decade, DEEP has made significant progress in streamlining its permit processes. Approximately 80% of its permit applications are processed within 90 days; most of the remaining 20% are processed within 180 days. The 2017 legislation treated everything from a campground reservation to a proposal for a major new power facility the same.

Recognizing the flaws and infeasibility of the 2017 legislation, the General Assembly last year passed PA 18-121 by a large bi-partisan margin, and reversed the 90-day automatic approval but required DEEP to notify an applicant within 90 days of any deficiencies with an application.

This year’s Bill 7298 before you today appears to be an attempt to re-instate the 90-day automatic approval provision. It would require DEEP to “make a final determination” on any commercial permit applications, but does not say what would happen if the agency does not make such determination within that time period. We certainly do not want to see a re-instatement of the 90-day automatic approval, but even these provisions in Bill 7298 would serve to create unnecessary and wasteful extra work for DEEP, and weaken environmental protections.

PA 18-121 was a compromise that is workable for the agency and provides extra consideration for permit applicants. Please do not discard that compromise. We urge you to reject Bill 7298.