



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF WATERSHED MANAGEMENT

MEMO

TO Conservation District

FROM Steven Wm. Taglang, Chief
Division of Conservation District
and Nutrient Management

DATE August 23, 2010

RE: Act 46 Permit Extension, Verification and Fee

You may be aware of the recent legislative action regarding extension of certain permits and other approvals. Act 46 is a component of the budget legislation signed by Governor Rendell on July 6, 2010.

Act 46 automatically extended the expiration date of certain types of approvals, permits, decisions, agreements, and other authorizations or decisions that were in effect, or issued by the Department, and other agencies, including conservation districts after December 31, 2008. The extension lasts until July 1, 2013.

This Act was aimed at providing some relief to the building industry impacted by the economic downturn and toward that end is focused on land development for residential and commercial purposes. It impacts several DEP programs, as well as some DEP programs delegated to conservation districts. Not all permits/approvals issued by DEP were automatically extended by Act 46. **For instance, it has no impact whatsoever on any National Pollutant Discharge Elimination System (NPDES) permits.**

In addition to the extension, Act 46 provides a process for permit/approval holders to request a verification that an approval has in fact been extended under this new law. Under Act 46, the district has a role in issuing verifications for those programs the district administers that are not part of a DEP delegated program. Act 46 also provides for a review fee for processing a verification request.

Act 46 allows holders of approvals (e.g., permittees) to request verification that: (1) an approval is still in existence, and (2) the expiration date has been extended. If the agency does not respond within 30 days; the law states that the existence of the approval and the

extension of its expiration date shall be “deemed affirmed.” Permit/approval holders do not have to submit a verification request because the extension is automatic under the law.

A verification request submitted to the district should be presented by the permittee using the recommended Verification Form (see attached) along with the appropriate fee. The fee stays with the district, and once completed, the district should send a copy of the verification to the appropriate regional office. There are two types of verification review fees - a \$100 *Residential approvals* fee and a \$500 *Commercial approvals* fee.

Districts should not reject a request because verification form was not used. In addition, districts should only respond to a request that is not part of a delegated program. For example, if a request is received regarding an NPDES permit, districts should forward that request to the applicable DEP regional office, and the district should not require or accept a fee for that type of request.

Implementation of Act 46 is explained further in the attached Guidance, and other information and guidance is available on DEP’s website.

If the district has any questions regarding the implementation of Act 46, please contact the Assistant Regional Director of the applicable DEP regional office.

Attachments

- Act 46 Implementation Guidance
- Verification Form

cc: Regional Directors
Assistant Regional Directors
State Conservation Commission
PACD
Kelly Heffner
Doug Brennan
Meg Murphy
Duke Adams
Glenn Rider
Ken Murin
Marge Hughes