

Senate Bill 191

By: Senators Tolleson of the 20th, Bulloch of the 11th, Johnson of the 1st and Pearson of the 51st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the  
2 Environmental Protection Division, the Environmental Advisory Council, duties of the  
3 council, its members, and the director of the division, procedure for aggrieved persons, and  
4 inspections, so as to provide for expedited review of certain applications for permits or  
5 variances performed by qualified professionals under contract with the division for such  
6 purpose; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the  
10 Environmental Protection Division, the Environmental Advisory Council, duties of the  
11 council, its members, and the director of the division, procedure for aggrieved persons, and  
12 inspections, is amended by striking paragraph (1) of subsection (c) and inserting in lieu  
13 thereof the following:

14 "(c)(1)(A) The director shall issue all orders and shall grant, deny, revoke, or amend all  
15 permits or variances provided for in the laws to be enforced by the division. The director  
16 shall also issue any certification which is required by any law of this state or the United  
17 States to be issued by the director, the Department of Natural Resources, or the State of  
18 Georgia relating to pollution control facilities or matters. The director shall notify all  
19 permit or variance applicants within 30 days of receipt of the application as to the  
20 completeness of the application and, if the director finds the same to be incomplete, what  
21 specific additional materials the applicant need submit to make the application complete.  
22 The director shall grant or deny any permit or variance within 90 days after receipt of all  
23 required application materials by the division, provided that the director may for any  
24 application order not more than one extension of time of not more than 60 days within  
25 which to grant or deny the permit or variance.

1 (B) Any applicant for a permit or variance from the director may elect to have such  
2 application reviewed on an expedited basis by qualified professionals under contract with  
3 the division for such purpose, and the director is authorized to enter into contracts on  
4 behalf of the division with such qualified professionals for purposes of this subparagraph.  
5 Upon completing such an expedited review of an application, the contractor shall  
6 promptly forward its recommendation to the director for his or her action on the  
7 application. The applicant shall reimburse the division for the mutually agreed upon  
8 expense of such contractor as a condition of the application for the permit or variance.

9 (C) When any application for a permit or variance is pending before the director and the  
10 director has not either granted or denied the permit or variance within the time specified  
11 for the director to do so, the director shall immediately refund any and all fees which  
12 were required to be submitted by the applicant as a condition of the permit application,  
13 except for fees required to be levied pursuant to federal law. Such fee refund shall not  
14 otherwise affect the application process, and the application shall be granted, denied, or  
15 otherwise handled as it otherwise would have been, except that the fee requirement shall  
16 be waived."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.