

Senate Bill 191

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

AS PASSED SENATE

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)(i) The director may identify professionals qualified to review certain permit
2 applications in accordance with rules and regulations adopted by the board of the
3 Department of Natural Resources.

4 (ii) A permit applicant may retain a qualified professional to review an application
5 prior to submittal to the division. If the qualified professional certifies an application
6 as complete, the division shall act expeditiously on the application.

7 (iii) A qualified professional certifying an application shall be independent of any
8 professional preparing the application.

9 (iv) The applicant shall directly pay the fees of the qualified professional.

10 (v) The director may remove the qualified status of a professional if the professional
11 provides a certification for an inaccurate application.

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

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.