

Senate Bill 187

By: Senators Pearson of the 51st, Rogers of the 21st, Whitehead, Sr. of the 24th, Goggans of the 7th, Wiles of the 37th and others

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 of the Department of Natural Resources, the
3 Environmental Advisory Council, duties of the council and its members and the director,
4 procedure for aggrieved persons, and inspections, so as to change certain provisions relating
5 to review and approval or denial of applications for certain permits or variances; to provide
6 for applicability and effect; 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, Environmental Advisory Council, duties of the council
11 and its members and the director, procedure for aggrieved persons, and inspections, is revised
12 in paragraph (1) of subsection (c) as follows:

13 "(c)(1)(A) The director shall issue all orders and shall grant, deny, revoke, or amend
14 all permits or variances provided for in the laws to be enforced by the division. The
15 director shall also issue any certification which is required by any law of this state or
16 the United States to be issued by the director, the Department of Natural Resources, or
17 the State of Georgia relating to pollution control facilities or matters. The director shall
18 notify all permit or variance applicants within ~~30~~ ten days of receipt of the application
19 as to the completeness of the application and, if the director finds the same to be
20 incomplete, what specific additional materials the applicant need submit to make the
21 application complete. The director shall notify applicants within ten days of receipt of
22 a completed application as to the name and address of the person assigned to perform
23 the review and the date, time, and location of the application review. The director shall
24 grant or deny any permit or variance within ~~90~~ 60 days after receipt of all required
25 application materials by the division, provided that the director may for any application

1 order not more than one extension of time of not more than ~~60~~ 30 days within which
2 to grant or deny the permit or variance.

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

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

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

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

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

14 (C) When any application for a permit or variance is pending before the director and
15 the director has not either granted or denied the permit or variance within the time
16 specified for the director to do so, the director shall immediately refund any and all fees
17 which were required to be submitted by the applicant as a condition of the permit
18 application, except for fees required to be levied pursuant to federal law; and such
19 failure by the director to grant or deny a permit or variance within the time specified
20 shall be considered a decision to refuse to grant such permit or variance, and the
21 applicant may request review of such decision as provided by paragraph (2) of this
22 subsection. ~~Such fee refund shall not otherwise affect the application process, and the~~
23 ~~application shall be granted, denied, or otherwise handled as it otherwise would have~~
24 ~~been, except that the fee requirement shall be waived."~~

25 SECTION 2.

26 This Act shall apply to any application to the Environmental Protection Division of the
27 Department of Natural Resources for a permit or variance which application is pending on
28 or after July 1, 2007; provided, however, that any such pending application which as of July
29 1, 2007, has been completed and pending for 90 days or longer shall be deemed to have been
30 denied as of July 1, 2007, for purposes of the applicant's eligibility to request review of such
31 decision under paragraph (2) of subsection (c) of Code Section 12-2-2 of the Official Code
32 of Georgia Annotated.

33 SECTION 3.

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