

House Bill 1368

By: Representatives Smith of the 70th, Barnard of the 166th, and Hill of the 180th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to specify the level of professional registration required for reviews
3 and certain kinds of applications relating to permits issued by the Environmental Protection
4 Division; to provide that no water withdrawal, water diversion, or water impoundment permit
5 or other permit issued by the director shall be deemed invalid on grounds that any employee
6 reviewing the application was or was not registered or licensed by a professional licensing
7 board; to provide that certain applications for air emission permits must be certified by a
8 professional engineer registered to practice in Georgia; to provide an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
13 resources, is amended in Code Section 12-2-2, relating to the Environmental Protection
14 Division of the Department of Natural Resources, by adding a new subparagraph (c)(2)(E)
15 to read as follows:

16 "(c)(2)(E) No water withdrawal, water diversion, or water impoundment permit or any
17 other permit, permit amendment, variance, or other approval issued by the director shall
18 be deemed invalid on the grounds that any employee reviewing the permit application
19 was or was not licensed or registered by a professional licensing board as defined in
20 paragraph (3) of Code Section 43-1-1."

21 **SECTION 2.**

22 Said title is further amended in Code Section 12-9-7, relating to the permit required for air
23 emissions, by revising subsection (b) as follows:

24 "(b) Applications for permits shall be submitted in such manner, on such forms, and
25 contain such information as the director prescribes and which ~~he~~ the director deems

26 necessary to make a determination of compliance with this article and the rules and
 27 ~~regulation~~ regulations promulgated pursuant to this article. The director may develop and
 28 require the use of standard application forms and establish evaluation criteria for
 29 expediently determining the completeness of such applications; provided, however, that the
 30 director at a minimum shall establish forms and criteria necessary to comply with the
 31 federal act. In addition to any other criteria established by the director, all permit
 32 applications shall be accompanied by:

33 (1) A compliance plan containing such schedules, reports, plans, documentation, and
 34 other information as may be required by the rules or regulations promulgated pursuant
 35 to this article and such additional information as the director may require to demonstrate
 36 a source's or facility's compliance or proposed compliance with the requirements of this
 37 article and the rules and regulations promulgated pursuant to this article; ~~and~~

38 (2) Any and all applicable fees for processing the permit application and any other fee
 39 which the source or facility must pay pursuant to this article; and

40 (3) For those permits that must comply with the technology based standards set forth in
 41 the federal act, 42 U.S.C. Sections 7412, 7475, and 7503, as implemented by the rules
 42 and regulations promulgated pursuant to this article, a certificate from a professional
 43 engineer registered to practice in Georgia stating that he or she is responsible for the
 44 required pollution control technology review and that the proposed permit emission limit
 45 or limits meet the applicable technology based standards of the federal act, the rules and
 46 regulations promulgated under the federal act, and the rules and regulations promulgated
 47 pursuant to this article."

48 **SECTION 3.**

49 This Act shall become effective upon its approval by the Governor or upon its becoming law
 50 without such approval.

51 **SECTION 4.**

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