

Senate Bill 427

By: Senators Tolleson of the 20th, Davis of the 22nd, Rogers of the 21st, Millar of the 40th,
Chance of the 16th and others

AS PASSED

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 director of the division, the Environmental Advisory
3 Council, appeal procedures generally, permit applications, and inspections, so as to change
4 certain provisions relating to processing of applications for issuance or renewal of permits
5 and variances; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the
9 Environmental Protection Division, the director of the division, the Environmental Advisory
10 Council, appeal procedures generally, permit applications, and inspections, is amended by
11 revising paragraph (1) of subsection (c) as follows:

12 "(c)(1)(A) The director shall issue all orders and shall grant, deny, revoke, or amend
13 all permits or variances provided for in the laws to be enforced by the division. The
14 director shall also issue any certification which is required by any law of this state or
15 the United States to be issued by the director, the Department of Natural Resources,
16 or the State of Georgia relating to pollution control facilities or matters. The director
17 shall develop and implement procedures for timely processing of applications made
18 to the division for issuance or renewal of permits or variances, including but not
19 limited to procedures for expedited review and granting of applications upon payment
20 of a fee in an amount established by the director to offset the cost of expediting, all
21 subject to compliance with requirements of law regarding such applications. Such
22 procedures shall also provide any applicant who has applied to the division for
23 issuance or renewal of a permit or variance with the ability to securely track the status
24 of his or her application, with real time updates, via the division's Internet website.
25 The director shall notify all permit or variance applicants within ten days of receipt
26 of the application as to the completeness of the application and, if the director finds

27 the same to be incomplete, what specific additional materials the applicant need
 28 submit to make the application complete. The director shall notify applicants within
 29 ten days of receipt of a completed application as to the name and address of the
 30 person assigned to perform the review and the date, time, and location of the
 31 application review. The director shall grant or deny any permit or variance within 90
 32 days after receipt of all required application materials by the division, provided that
 33 the director may for any application order not more than one extension of time of not
 34 more than 60 days within which to grant or deny the permit or variance.

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

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

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

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

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

46 ~~(C) When any application for a permit or variance is pending before the director and
 47 the director has not either granted or denied the permit or variance within the time
 48 specified for the director to do so, the director shall immediately refund any and all fees
 49 which were required to be submitted by the applicant as a condition of the permit
 50 application, except for fees required to be levied pursuant to federal law. Such fee
 51 refund shall not otherwise affect the application process, and the application shall be
 52 granted, denied, or otherwise handled as it otherwise would have been, except that the
 53 fee requirement shall be waived."~~

54 **SECTION 2.**

55 This Act shall become effective on July 1, 2013.

56 **SECTION 3.**

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