



HOUSE BILL 259: 2023 Appropriations Act, Sec. 12.10: Right to Apply for and Obtain a Permit

2023-2024 General Assembly

Committee:		Date:	December 5, 2023
Introduced by:		Prepared by:	Jennifer McGinnis Staff Attorney
Analysis of:	Sec. 12.10 of S.L. 2023-134		

OVERVIEW: *Section 12.10 of S.L. 2023-134:*

- ***Creates a new statute that prohibits, except to the extent required by federal or State law, the Department of Environmental Quality from refusing to:***
 - *Accept an application for a permit, authorization, or certification.*
 - *Issue any permit, authorization, or certificate based solely on the failure of an applicant to obtain another permit, authorization, or certification required for the same project. For purposes of this section, failure to obtain a permit, authorization, or certification does not include denial of the permit, authorization, or certification by the Department based on the standards for approval of the permit, authorization, or certification provided by law.*
- ***Amends the statutes governing approval of draft erosion and sedimentation control (ESC) plans to prohibit the Sedimentation Control Commission, and local governments, with delegated authority to administer ESC programs, from denying a draft ESC plan based solely upon an applicant's need to obtain other environmental permits, authorizations, or certifications for the project (aside from a permit required for stormwater discharges from construction sites pursuant to federal law). The Commission and delegated local programs are authorized, however, to condition approval of a draft ESC plan upon the applicant's receipt of other environmental permits, authorizations, or certifications that can be required for the project.***

This section became effective July1, 2023.

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Legislative Analysis
Division
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