



HOUSE BILL 259: 2023 Appropriations Act, Sec. 12.13: Express Permitting Revisions

2023-2024 General Assembly

Committee:		Date:	December 6, 2023
Introduced by:		Prepared by:	Jennifer McGinnis Staff Attorney
Analysis of:	Sec. 12.13 of S.L. 2023-134		

OVERVIEW: *Section 12.13 of S.L. 2023-134 does all of the following:*

- *Requires the Department of Environmental Quality (DEQ) to set fees for express application review under the express review program¹ at a level sufficient to cover all program expenses.*
- *Authorizes DEQ to create express permitting options for programs in addition to those specifically identified by statute where it deems there to be a need or where it determines an express permitting option would create greater efficiencies for the permitting process.*
- *Requires DEQ, no later than July 1, 2025, to adopt permanent rules to implement the express permitting program, including changes made by this section, and exempts the rulemaking from various requirements under the State's Administrative Procedure Act. Until the rules become effective, DEQ is authorized to continue to operate and administer the program as it did prior to the enactment of this section, using policies published on DEQ's website and made available to the regulated community on or before July 1, 2023. These policies can be reviewed and updated by DEQ as needed until the adoption of rules in conformance with requirements for public notice.*

This section became effective July 1, 2023.

¹ *Under current law DEQ must offer an express review program to provide express permit and certification reviews in all of its regional offices for the following programs*

- *Stormwater permits.*
- *Stream origination certifications.*
- *Water quality certifications.*
- *Erosion and sedimentation control permits.*
- *Coastal Area Management Act (CAMA) permits.*

Participation in the express review program is voluntary, and the program is supported by fees. Maximum permit application fees range from \$4,000 to \$5,500, depending on the number of permits needed that are subject to express permitting.

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