

Act 14 Municipal Notification Letters:

Understanding the permitting application review process is essential. Knowing the facts, how they are to be collected and used to ensure full transparency can make all the difference to local citizens and their elected officials.

A good start to getting a seat at the regulatory table are the Act 14 Municipal Notification letters. These notifications are a legal requirement and are intended to give local communities the opportunity to provide important comments to the PA DEP regarding land use and other zoning compatibility issues.

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-76213/>

Companies applying for permit approval from the state regulatory agency, the Pennsylvania Department of Environmental Protection (PA DEP), must send certified letters to the host municipality announcing plans to submit application to PA DEP for permitting operations:

- ESCGP2 = Land Disturbance
- GP5 = Air Quality Permit
- Well Pad Permit

Important facts to know:

- These letters will be sent by the applicant seeking PA DEP approvals **EACH** time there is a new application submitted or an amended or modified permit requested.
- Each letter will be accompanied by a green certified mail card or other tracking mechanism (FedEx/UPS) and the carrier will ask someone from the staff to sign. These cards and receipts are maintained in the official PA DEP files.
- Townships/Boroughs/Municipalities/Cities should also keep a copy of all letters in a file for that applicant/project – proof of these letters is important to maintain in the municipal files.

Please act immediately as the Township/Municipality has 30-window (in some cases a 15-day window) in which to let the PA DEP know your interest in providing comments, posing questions and/or raising concerns.

- It is important to plan for these notices, in advance, by having a designated person who will sign for/receive the notices so as to provide continuity on all notices and projects – as these operations expand frequently.
- And, it is important to keep separate files for each project as these types of operations expand frequently. Keeping separate files for each company/project will help staff and the public keep track of all developments.
- Work with your Solicitor to have a template letter(s) prepare, in advance, so that an immediate response can be sent to the PA DEP as time is of the essence.

Contact:

Lisa Graves-Marcucci, lgmarcucci@environmentalintegrity.org

- Municipal officials should send a letter to the appropriate PA DEP staff person – this information should be included on the notice letter you receive from the applicant, but it is also included below. The Township/Borough/City may want to consider asking for the following:
 - An additional 30 days to review and submit comments
 - Provide initial questions and comments – particularly with regard to Land Use/Subdivision compliance and Zoning/Conditional Use Ordinance compliance
 - **Raise concerns: including conflicts with regard to zoning**
 - **It is extremely important to open the lines of communication with the PA DEP as they will see any lack of response as a signal to issue the permit**
 - These notifications are taken seriously by the PA DEP – they want to hear from local elected officials and their consultants – so reach out to them in writing and ask for phone meetings, when necessary.
 - Host municipalities are encouraged to contact the PA DEP so the local officials fully understand the project, the regulatory requirements under PA DEP rules, answer questions posed – as well as alert the PA DEP of any specific concerns associated with the proposed project.

Letters to the PA DEP should be addressed to the following:

ESCGP and Well Pad Permit Application Act 14 Notices:

Mr. Eric Gustafson
Pennsylvania Department of Environmental Protection
SW Regional Office
Oil and Gas Management
400 Waterfront Drive
Pittsburgh, PA 15222
egustafson@pa.gov

Air Quality (GP-5) Permit Application Act 14 Notices:

Mark Gorog, Program Manager
Air Quality
Pennsylvania Department of Environmental Protection
SW Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222
mgorog@pa.gov

Main Switchboard Number, PA DEP, SWRO: 412-442-4000

Contact:

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