
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 159 Session of
2025

INTRODUCED BY BARTOLOTTA, HUTCHINSON, STEFANO AND DUSH,
JANUARY 23, 2025

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 23, 2025

AN ACT

1 Amending the act of July 13, 1988 (P.L.530, No.94), entitled "An
2 act establishing the Environmental Hearing Board as an
3 independent, quasi-judicial agency; providing for the
4 membership and staff, the powers and duties, the seats and
5 the existing members of the board; transferring certain
6 funds; and making repeals," further providing for definitions
7 and for jurisdiction.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of July 13, 1988 (P.L.530,
11 No.94), known as the Environmental Hearing Board Act, is amended
12 to read:

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Board." The Environmental Hearing Board of the
18 Commonwealth.

19 "Department." The Department of Environmental [Resources]
20 Protection of the Commonwealth.

1 "Record of decision." The document issued by the department
2 to an applicant which conveys the department's approval or
3 denial of a permit application, along with each document or
4 other evidence issued, created or relied upon by the department
5 in its consideration of the application, including, but not
6 limited to, correspondence to or from an applicant, any
7 administrative completeness determination, any technical
8 deficiency letter or written response thereto, any records or
9 documents submitted to the department regarding the application,
10 any public comment on the application and any written response
11 by the department or the applicant regarding public comment on a
12 permit application, other State agency written comment to a
13 permit application and written response by the department or
14 permit applicant.

15 "Rules committee." The Environmental Hearing Board Rules
16 Committee established under section 5.

17 "Secretary." The Secretary of Environmental Resources of the
18 Commonwealth.

19 Section 2. Section 4 of the act is amended by adding a
20 subsection to read:

21 Section 4. Jurisdiction.

22 * * *

23 (c.1) Standard of review.--In an appeal of a permit issued
24 by the department in which a record of decision has been
25 prepared by the department at the time of the permit decision,
26 the review by the board shall be exclusively limited to the
27 record of decision. A party shall not be permitted to present
28 new evidence before the board that was not part of the record of
29 decision as considered by the department. Any party challenging
30 the decision of the department before the board must

1 demonstrate, by a preponderance of the evidence, that the
2 department committed an abuse of its discretion in denying or
3 granting the permit application being appealed.

4 * * *

5 Section 3. This act shall take effect in 60 days.