

### **Act 14 Municipal Notification Letters:**

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

**The Act 14 Municipal Notification Letters are seeking comments from the host county, host municipality and/or adjoining municipalities directly to the PA Department of Environmental Protection (PA DEP) within a prescribed number of days – typically 30, but in some cases the comment period may be limited to 15 days.**

**These notices are an important first step in getting a seat at the state regulatory table.** 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.

<https://www.dep.state.pa.us/hosting/growingsmarter/012-0200-001%5B1%5D.pdf>

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 and host county announcing plans to submit an application to PA DEP for permitting operations including projects such as:

- ESCGP2 = Land Disturbance
- GP5 = Air Quality Permit
- Well Pad Permit
- Additional infrastructure including compressor stations, processing plants, temporary water lines, impoundments

### **Important facts to know:**

- These letters will be sent by any 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.

### **Actions to consider taking upon receiving an Act 14 municipal notice:**

- 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.
- Upon receipt of the notice letters, the designated contact person should share copies of all notices with the following:
  - Members of Council/Board of Supervisors/Commissioners

### **Contact:**

Lisa Graves Marcucci, [lgmarcucci@environmentalintegrity.org](mailto:lgmarcucci@environmentalintegrity.org)

- Borough/Township Solicitor and Engineer
- Members of Planning Commission and other recommending bodies
- Members of the public – by reading each notice letter at public meetings and making copies available as handouts and by posting in a three-ring binder that is publicly accessible in the Municipal Building.
- **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.

**Comments, questions and concerns must be sent directly to the PA DEP – NOT the company sending you the notice. In particular, the PA DEP is interested in knowing if the application is an authorized use in the Borough/Township zoning district. If not, the PA DEP must be notified immediately, in writing.**

- 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 an additional 30 days to review and submit comments
  - Asking initial questions and providing comments – particularly with regard to Land Use/Subdivision compliance and Zoning/Conditional Use Ordinance compliance
  - **Raising 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**
  - The PA DEP takes these notifications very seriously – 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 and the regulatory requirements under PA DEP rules. They should alert the PA DEP of any specific concerns associated with the proposed project.

**Letters/emails to the PA DEP should be sent to the following:**

**Mr. Kevin Halloran, Assistant Regional Director**  
Pennsylvania Department of Environmental Protection  
SW Regional Office  
Oil and Gas Management  
400 Waterfront Drive  
Pittsburgh, PA 15222  
[khalloran@gov.pa](mailto:khalloran@gov.pa)

**Contact:**

Lisa Graves Marcucci, [lgmarcucci@environmentalintegrity.org](mailto:lgmarcucci@environmentalintegrity.org)



**Brian Schimmel, Local Government Liaison**

Pennsylvania Department of Environmental Protection  
SW Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222  
[brschimmel@pa.gov](mailto:brschimmel@pa.gov)

**ESCGP and Well Pad Permit Application Act 14 Notices:**

Mr. Daniel Counahan  
Pennsylvania Department of Environmental Protection  
SW Regional Office  
Oil and Gas Management  
400 Waterfront Drive  
Pittsburgh, PA 15222  
[dcounahan@pa.gov](mailto:dcounahan@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](mailto:mgorog@pa.gov)

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

**What should be included in the Act 14 Municipal Notification letter – based on PA DEP Policy 012-0200-001**

Dear (Municipal Secretary:) or Dear (County Commissioners:)

The purpose of this notice is to inform you that (company name) has applied to the Pennsylvania Department of Environmental Protection (DEP) for an application for (project description) including the following:

Permit Application Type(s): \_\_\_\_\_  
Applicant Contact: \_\_\_\_\_  
Project Location: \_\_\_\_\_  
Project Description: \_\_\_\_\_  
\_\_\_\_\_

**Contact:**

Lisa Graves Marcucci, [lgmarcucci@environmentalintegrity.org](mailto:lgmarcucci@environmentalintegrity.org)



Acts 67, 68 and 127 of 2000, which amended the Municipalities Planning Code (MPC) to direct state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure and specify that state agencies may rely upon comprehensive plans and zoning ordinances under certain conditions as described in Sections 619.2 and 1105 of the MPC.

Enclosed is a General Information Form (GIF) that has been submitted to the PA DEP for this project. Please review the attached GIF and comment on the accuracy of answers provided with regard to land use aspects of this project; please be specific to DEP and focus on relationship to zoning ordinances. If you wish to submit comments to DEP to become part of a land use review of this project, you must respond within 30 days to the DEP regional office referenced in this letter.

If there are no land use comments received by the end of the comment period, DEP will assume that there are no substantive land use conflicts and proceed with the normal application review process.

For more information about this land use review process, please visit <https://www.dep.state.pa.us/hosting/growingsmarter/012-0200-001%5B1%5D.pdf>

Sincerely,

(Company representative)

cc: /County Planning Agencies