

The “shall consider” language requires consideration of comprehensive plans and zoning ordinances. The consideration phase includes verification that DEP has authority to rely on planning and zoning in its permit decision as discussed in Section V of this policy. It also includes asking specific land use questions of permit applicants and reviewing all of the information received from both the permit applicant and local municipality and county.

When reviewing permit applications, DEP will consider the information provided by the applicant in the GIF and materials related to land use plans and zoning ordinances submitted by the applicant. DEP will also consider information on land use plans and zoning ordinances submitted in writing by the municipality and county officials. Comprehensive plans and zoning ordinances in effect up until the date that DEP makes the permit decision will be those considered by the Department.

Even though DEP will consider information submitted by the applicant and that provided in local/county comment, DEP can only rely, or base a permit decision, upon this information in certain circumstances as described in more detail in Section V of this policy.

- B. A potential conflict arises when DEP staff receives a response letter from the county or local municipality indicating that the project may conflict with comprehensive plans or zoning ordinances or if the applicant submits information on the GIF that indicates that there is such a conflict. If potential conflicts are identified, DEP permit reviewers shall immediately notify the DEP Policy Office and forward to the office the original notice letter with return receipt, the GIF and any comment letter(s) received from municipal and local officials.

The DEP Policy Office will do the following when information referenced above is received from DEP permit staff:

- Review all information received regarding land use conflict;
- Make a recommendation to regional director, district mining manager or bureau director on whether to suspend further technical review of the application.
- Determine whether DEP has the authority to base permit decision on comprehensive planning and zoning;
- Determine whether to notify or involve other state agencies, including the Governor’s Center for Local Government Services;
- Contact DEP Office of Chief Counsel (OCC) to obtain legal review; and
- Provide written guidance to appropriate permitting and senior staff on whether, based on Acts 67, 68, and 127, the permit application should be approved, approved with a condition, or denied.

Contact information for the Policy Office: DEP, Policy Office, P.O. Box 2063, 15<sup>th</sup> Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-2063.  
Telephone: 717-783-8727, Fax: 717-783-8470.

In general, the Policy Office and Office of Chief Counsel should complete their review within 30 days of notification of the potential conflict by DEP staff or sooner. This review will take place concurrently with technical reviews done by permit review staff.