The DEP Regulatory Process

The following flowchart outlines the two-phase process for developing an environmental regulation.

**Proposed**

DEP drafts proposed regulation (adhering to DEP’s internal review process) and meets with Advisory Committees

→ OGC and GPO preliminary review (~3 weeks)

→ EQB/BCMS adopts proposed regulation

→ OGC and the Office of Budget review (~3 weeks)

→ Attorney General reviews proposed regulation (~30+ days)

→ DEP submits proposed regulation package to Standing Committees, IRRC and Pennsylvania Bulletin

→ Pennsylvania Bulletin publishes proposed regulation, commencing official public comment period. Public meetings or hearing may be held (Public comment period typically is ~30-60 days in length)

→ Public comment period ends

→ IRRC may submit comments to EQB - (up to 30 days following the end of the comment period)

→ Standing Committees are provided at least 20 days, following the end of the public comment period, to review and submit comments to EQB.

→ DEP reviews comments and prepares a comment and response document (document will be incorporated into the final regulation package)

**Final**

DEP drafts final regulation (adhering to DEP’s internal review process) and meets with Advisory Committees

→ OGC and GPO preliminary review (~3 weeks)

→ EQB/BCMS adopts final regulation

→ OGC and Office of Budget review (~3 weeks)

→ DEP submits final regulation package to Standing Committees, IRRC and public commentators

→ IRRC approves or disapproves (IRRC has until the date of its public meeting at which the regulation is to be considered)

→ Standing Committees approve or disapprove (Committees have until 24 hours before the date of the IRRC meeting at which the regulation is to be considered)

→ Disapproval by a Standing Committee or IRRC leads to additional procedures

→ If IRRC approves the regulation, Attorney General reviews for ~30+ days

→ Final regulation is published in the Pennsylvania Bulletin

EQB – Environmental Quality Board – a 20 - member panel responsible for promulgating most of DEP’s rules and regulations

BCMS – Board of Coal Mine Safety – 6 member Board responsible for promulgating DEP’s mine safety regulations

IRRC – Independent Regulatory Review Commission – Five-member panel responsible for providing independent oversight and review of agency regulations

Standing Committees – Senate & House Environmental Resources and Energy Committees

OGC – Office of General Counsel

GPO – Governor’s Policy Office