

# DEP Regulatory Process Overview

Policy Office  
4/29/2026



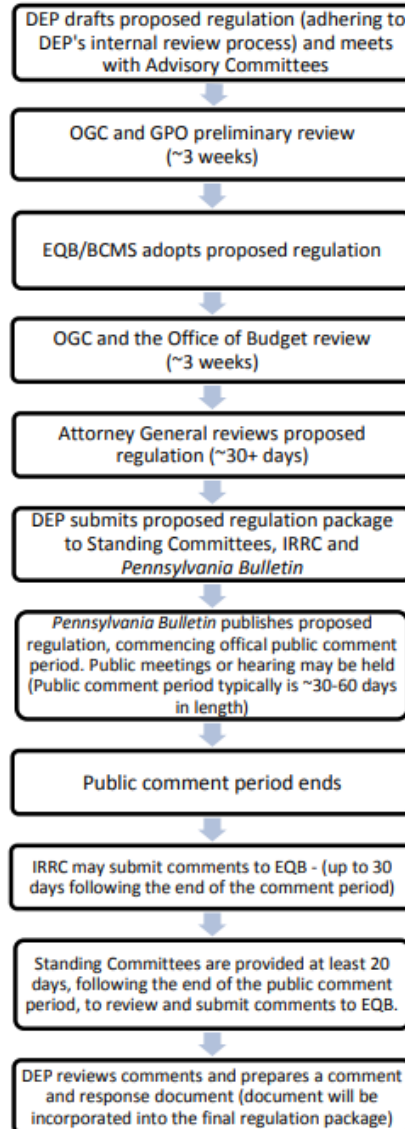


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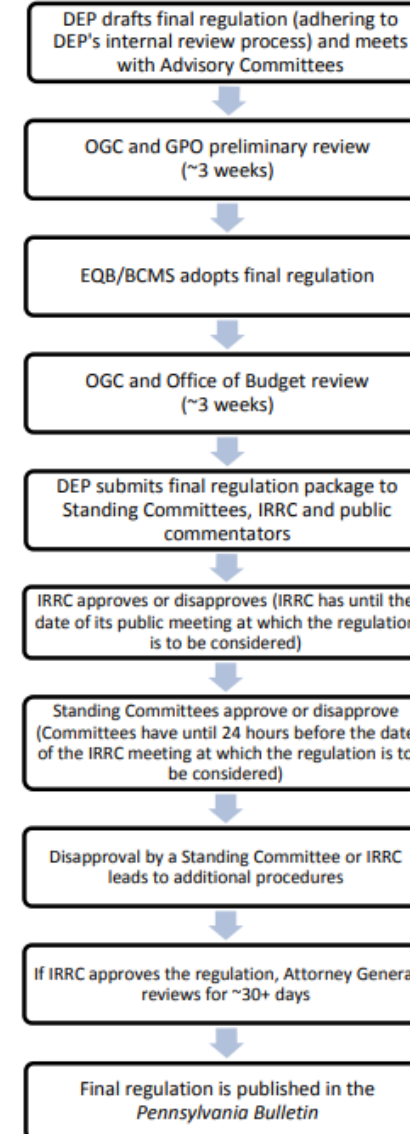


# DEP's Regulatory Process

## Proposed



## Final





# DEP's Regulatory Process

- Complex process with internal and external review
- Public participation is an essential component of the regulatory process
- Process is guided by:
  - [Administrative Code of 1929](#)
  - [Executive Order 1996-1](#)
  - [Regulatory Review Act](#)
  - [Commonwealth Documents Law](#)
  - [Commonwealth Attorneys Act](#)
  - Statutory authority - [Section 9 of the Pennsylvania Sewage Facilities Act](#) (35 P.S. § 750.9); [The Clean Streams Law](#) (35 P.S. §§ 691.1 – 691.1001); and [section 1920-A of the Administrative Code of 1929](#) (71 P.S. § 510-20)

# Players in DEP's Rulemaking Process

- Department of Environmental Protection
  - Program staff, Bureau of Regulatory Counsel, Policy Office, Executive Staff
- [Advisory Committees](#)
- [Citizens Advisory Council](#)
- [Environmental Quality Board \(Administrative Code of 1929\)](#)
- The Governor
  - Office of General Counsel (OGC) [\(Commonwealth Attorneys Act\)](#)
  - Governor's Budget Office (GBO) [\(Administrative Code of 1929\)](#)
  - Governor's Policy Office (GPO) [\(Executive Order 1996-1\)](#)
- General Assembly [\(Regulatory Review Act\)](#)
  - Senate Environmental Resources and Energy Committee
  - House Environmental & Natural Resource Protection
- Independent Regulatory Review Commission (IRRC) [\(Regulatory Review Act\)](#)
- Legislative Reference Bureau (LRB) [\(Commonwealth Documents Law\)](#)
- Office of Attorney General (OAG) [\(Commonwealth Attorneys Act\)](#)
- Regulated community
- The public



# Rulemaking Documents

- Annex A – Regulatory changes
- Preamble – Narrative explanation of the regulatory changes
- [Regulatory Analysis Form](#) (RAF)
- Comment Response Document (final rulemaking only)
- SAC comment letter



## Key Steps in the Proposed Stage

- Draft proposed annex reviewed by advisory committees
- Program develops the proposed rulemaking package
- Legal and policy review
- EQB considers the proposed regulation and votes to adopt
- Legal and fiscal review
- Proposal is submitted to the LRB, IRRC, and the House and Senate Committees
- Publication of the preamble and annex in *Pennsylvania Bulletin* for a 60-day public comment period
- IRRC may submit comments 30 days after close of the public comment period
- House and Senate Committees may comment until final rulemaking package is delivered



## Key Steps in the Final Stage

- Review and respond to **all comments** – public, legislative and IRRC – in a Comment Response Document
- Consideration of revising annex in response to comments or statutory changes
- Update rulemaking documents
- Draft final annex reviewed by advisory committees
- Legal and policy review
- EQB considers the final regulation and votes to adopt
- Final rulemaking package is submitted to IRRC and the House and Senate Committees
- IRRC votes to approve or disapprove
- Office of Attorney General review
- Final publication in the *Pennsylvania Bulletin* – regulation has the full force and effect of law



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# How to Keep Up to Date

- Subscribe to [eNotice](#) for updates on when the proposed rulemaking is scheduled for review and adoption by the EQB
  - DEP eComment Open Comment Periods
  - Regulations – check Water and Save
- View [eComment](#)
  - Comments received on the proposed rulemaking



# How to Keep Up to Date

- View the [DEP Regulatory Update](#)
  - Current status and background of rulemakings
- View the EQB's [Public Participation in the Regulatory Process](#) webpage
  - Regulations open for public comment
- [The Environmental Regulatory Process in Pennsylvania](#)
  - Step-by-step explanation of the proposed and final rulemaking steps



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# Questions?

**Laura Campbell**  
**Regulatory Coordinator**  
**Policy Office**

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**[laurcampbe@pa.gov](mailto:laurcampbe@pa.gov)**

**Brian Chalfant**  
**Deputy Director**  
**Policy Office**

...

**[bchalfant@pa.gov](mailto:bchalfant@pa.gov)**

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).