

Environmental Quality Board Policy for Processing Petitions

Citizens Advisory Council
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Pennsylvania
Department of
Environmental Protection

Background

- Pennsylvania General Assembly has allowed the public to request the Environmental Quality Board (EQB) change DEP regulations
- Section 1920-A(h) of The Administrative Code of 1929: “Any person may petition the Environmental Quality Board to initiate a rule making proceeding for the issuance, amendment or repeal of a regulation administered and enforced by the department.”

Background

- EQB Policy for Processing Petitions for Rulemaking outlines criteria for DEP review and EQB consideration of petitions
 - Policy codified in 25 Pa. Code Chapter 23
- DEP seeking Citizens Advisory Council feedback to inform updates to the Petition Policy

Petition Policy History

- **1980** – Statute amended to allow “any person” to petition the EQB to initiate a rulemaking
- **1983** – EQB adopted Resolution with guidelines for processing petition requests
- **1989** – EQB adopted Statement of Policy for petition requests
- **1991 & 2000** – EQB amended Statement of Policy

Rulemaking Petition Process

- **§ 23.1** – Lists information to be included in Petition submitted to DEP
 - General information needed for all petitions
 - Specific information for stream redesignation requests
- **§ 23.2** – DEP review criteria for EQB submittal
 - Petition is complete (all required information provided)
 - Petition requests an action that can be taken by the EQB
 - Requested action does not conflict with federal law

Rulemaking Petition Process

- **§ 23.3** – DEP notifies petitioner if petition may be submitted to EQB
 - If petition does not meet criteria in § 23.2, petitioner has 30 days to complete or modify petition
- **§ 23.4** – DEP presents petition to EQB
 - Petitioner may make 5-minute presentation
 - DEP makes recommendation whether EQB should accept petition for study

Rulemaking Petition Process

- **§ 23.5** – EQB votes on whether to accept the petition for study by DEP; EQB may refuse to accept petition if:
 - Issue considered in past 2 years as part of a rulemaking
 - Requested action currently in litigation
 - Requested action not appropriate for rulemaking (policy or regulatory considerations)
 - Issue previously considered by EQB - no new/different information provided

Rulemaking Petition Process

- **§ 23.6** – If EQB accepts petition for study, DEP prepares a report evaluating the petition
 - Includes DEP's recommendation on whether the EQB should approve any or all actions requested by petition
 - Report prepared within 60 days, or DEP informs EQB of expected completion date
- **§ 23.7** – Petitioner may provide written response to the report (30 days)

Rulemaking Petition Process

- **§ 23.8** – DEP provides recommendation to EQB based on DEP report and petitioner response; EQB votes on DEP recommendation
 - If regulatory changes recommended, DEP brings proposed rulemaking to EQB within 6 months of mailing report to petitioner
 - If DEP does not recommend changes, DEP presents recommendation to EQB at first meeting “at least 45 days after” mailing report to Petitioner

CAC Engagement

- DEP reviewing Petition Policy to update for current rulemaking process
- December 15, 2025 & January 13, 2026 – CAC provides general feedback on role of citizen engagement with DEP through petitions; suggestions to improve Petition Policy
- DEP drafts proposed changes to Petition Policy
- DEP brings draft proposed revisions to CAC for feedback

Questions?

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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).