

Environmental Quality Board Policy for Processing Petitions

Citizens Advisory Council
October 13, 2026





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.”



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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 on draft proposed 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



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Proposed Changes – § 23.1(a)

- **§ 23.1(a)** – Lists the information to be included in petition
 - Add email to methods of submission and petitioner contact information
 - Add citation to legal authority for requested change
 - Add discussion of how parties would be impacted, including economic impact
 - Discuss impacts to state and local government, and small businesses



Proposed Changes – § 23.2

- **§ 23.2** – DEP review criteria for EQB submittal
 - DEP preliminary review criteria unchanged, list as subsection (a)
 - Add subsection (b) instructing DEP to estimate staff resources and time needed to complete petition evaluation, as well as if external contracting would be necessary



Proposed Changes – §§ 23.3 & 23.4

- **§ 23.3** – DEP notifies petitioner if petition may be submitted to EQB
 - Clarify that if the petitioner does not submit a complete or modified petition within 30 days, it is deemed withdrawn
- **§ 23.4** – DEP presents petition to EQB with recommendation
 - Extend time frame for submission to EQB by 15 days to allow DEP more time for resources assessment; include with DEP recommendation to EQB the time and cost estimate to evaluate



Proposed Changes – § 23.6

- **§ 23.6** – If EQB accepts petition for study, DEP prepares a report evaluating the petition
 - Change to the time frame for completing the report - remove 60-day period and replace with the estimated time frame DEP provides to EQB when petition is accepted for study
 - Allows for reasonable time frame based on the scope and complexity of the petition request



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Proposed Changes – § 23.8

- **§ 23.8** – EQB consideration of DEP’s recommendation based on DEP evaluation report and petitioner response
 - Change time to develop proposed rulemaking from 6 months to 12 months, to allow for advisory body consultation
 - Change time DEP presents recommendation to EQB to first meeting “at least 90 days after” mailing report to petitioner, to allow DEP to incorporate and respond to petitioner response



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Proposed Changes – New § 23.10

- **New § 23.10** – Include a defined procedure for withdrawing and resubmitting petitions
 - Subsection (a) creates clear directions for when and how a petition may be withdrawn and/or modified and resubmitted
 - Subsection (b) sets criteria for a petition to be deemed withdrawn if the law changes; DEP will notify EQB and petitioner
 - Subsection (c) directs DEP to publish notice of a petition's withdrawal in the *Pennsylvania Bulletin*



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Questions?

Laura Griffin
Deputy Director for
Regulatory Development
Policy Office

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laurgriffi@pa.gov

Robert “Bo” Reiley
Deputy Chief Counsel
Bureau of Regulatory
Counsel

...

rreiley@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).