PA's Triennial Review Process

Supplemental Information

ACWA Water Quality Workshop

Triennial Review Panel

Des Moines, Iowa

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Appendix A

DEP Regulatory Review and Development Process

Proposed Final DEP develops and presents the draft final regulation DEP develops and presents draft regulation to advisory to advisory committees committees DEP prepares final rulemaking documents (final Annex DEP prepares proposed rulemaking documents (Annex A A, preamble, RAF and comment and response document) for preliminary review, which includes the (draft regulation), preamble and regulatory analysis form Governor's Office of Policy and Planning and the Office (RAF)) for preliminary review, which includes the of General Counsel Governor's Office of Policy and Planning and the Office of General Counsel Departmental regulatory board adopts the final regulation presented by DEP Departmental regulatory board (e.g., Environmental Quality Board (EQB)) adopts the proposed regulation presented by DEP Governor's Budget Office reviews and issues fiscal note and Office of General Counsel formally reviews and approves Governor's Budget Office reviews and issues fiscal note and Office of General Counsel formally reviews and Preamble, Annex A, RAF and comment and responses approves are submitted to IRRC for consideration; copies submitted simultaneously to the House and Senate FRF Committees Office of Attorney General (OAG) reviews the proposed regulation House and Senate ERE Committees have until 24 hours prior to the start of the IRRC meeting to notify IRRC and the promulgating agency that the Preamble and Annex A are submitted to the Legislative Committee(s) will require further review of the Reference Bureau (LRB) for publication in the regulation after IRRC consideration or if they intend to Pennsylvania Bulletin; also submitted, along with RAF, to issue a resolution disapproving the regulation. * the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and **Energy (ERE) Committees** IRRC approves or disapproves the regulation at its public meeting. LRB publishes the preamble and Annex A in Pennsylvania Bulletin for public comment OAG reviews the final regulation approved by IRRC if it was not disapproved by the General Assembly DEP reviews comments from the public, IRRC, and the House and Senate ERE Committees to develop the final Preamble and final Annex A are submitted to LRB, rulemaking documents which publishes them in Pennsylvania Bulletin

If the House and Senate ERE Committees disapprove the final regulation, the General Assembly can override an IRRC approval by passing a joint resolution disapproving the final regulation; the Governor can veto, which then requires passage by 2/3 of the House and Senate to override the veto

EQB (Environmental Quality Board)

Powers and Duties

The Environmental Quality Board (EQB) was established by Act 275 of 1970, Section 1920-A of the Administrative Code of April 9, 1929, as amended, to do the following:

- 1. Develop a Master Environmental Plan for the commonwealth.
- 2. **Formulate, adopt and promulgate rules and regulations** as necessary to accomplish the Department of Environmental Protection's work.
- 3. Have power to subpoena witnesses and records.
- 4. Review reports and advise the department on matters of policy.

Environmental Quality Board Composition (20 members)

11 Members

<u>Chairperson, Secretary of Environmental Protection</u> <u>Secretary of Health</u>

Secretary of Community and Economic Development

Secretary of Transportation

Secretary of Agriculture

Secretary of Labor & Industry

Executive Director of Fish and Boat Commission

Executive Director of Game Commission

Chairperson of Public Utility Commission

Executive Director of Historical & Museum Commission

Executive Director of the State Planning Board

5 Members - Citizens Advisory Council

(Elected annually by members of Citizens Advisory Council)

4 Members - General Assembly - one to be appointed by each of the following:

President Pro Tempore of Senate Senate Minority Leader Speaker of House of Representatives House Minority Leader The Citizens Advisory Council (CAC) was created in 1971. It consists of 19 members – 18 of which are appointed volunteer citizens. The Secretary is also a member.

- -CAC shall review all environmental laws of the commonwealth and make appropriate suggestions for the revision, modification, and codification thereof.
- -CAC shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the council shall have access to all books, papers, documents, and records pertaining or belonging to the department.
- -CAC shall advise the department, on request, and shall make recommendations upon its initiative, for the improvement of the work of the department
- -CAC shall report annually to the governor and to the general assembly and may make such interim reports as are deemed advisable