The DEP Regulatory Process

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

Proposed

DEP develops and presents draft regulation to advisory committees

DEP prepares proposed rulemaking documents (Annex A (draft regulation), preamble and regulatory analysis form (RAF)) for prelminary review, which includes the Governor's Policy Director and the Office of General Counsel

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

Office of Attorney General (OAG) reviews the proposed rulemaking

Preamble and Annex A are submitted to the Legislative Reference Bureau (LRB) for publication in the Pennsylvania Bulletin; also submitted, along with RAF, to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy (ERE) Committees

LRB publishes the preamble and Annex A in *Pennsylvania Bulletin* for public comment

DEP reviews comments from the public, IRRC, and the House and Senate ERE Committees to develop the final rulemaking documents

Final

DEP develops and presents the draft final regulation to advisory committees

DEP prepares final rulemaking documents (final Annex A, preamble, RAF and comment and response document) for preliminary review, which includes the Governor's Policy Director and the Office of General Counsel

Departmental regulatory board adopts the final regulation presented by DEP

Governor's Budget Office reviews and issues fiscal note and Office of General Counsel formally reviews and approves

Preamble, Annex A, RAF and comment and responses are submitted to IRRC for consideration; copies submitted simultaneously to the House and Senate ERE Committees

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 Committee(s) will require further review of the regulation after IRRC consideration or if they intend to issue a resolution disapproving the regulation. *

IRRC approves or disapproves the regulation at its public meeting.

OAG reviews the final regulation approved by IRRC if it was not disapproved by the General Assembly

Preamble and final Annex A are submitted to LRB, 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