

**Protocol for Presentation of
Regulations Under the Regulatory Review Act**

**Adopted by the EQB on October 24, 1984 and
Amended by the EQB on May 19, 1993, and _____, 2009**

A. General

1. Proceedings in matters concerning regulations that are reviewed and adopted by the Environmental Quality Board (EQB) shall be conducted in a manner that minimizes unnecessary delays and recognizes informal, good-faith negotiations by the EQB Chairperson and that individual's designee, pursuant to the requirements of the Regulatory Review Act (Act).

B. Responsibilities of the EQB Chairperson

1. The Chairperson of the EQB or that individual's designee shall represent the EQB in proceedings conducted pursuant to the Act, including before the Independent Regulatory Review Commission (IRRC).
2. Acting pursuant to the guidelines in this protocol, the Chairperson of the EQB or that individual's designee shall accurately and faithfully present the rationale, policy considerations and justification for any regulation authorized by the EQB.
3. Within five days of the Department's receipt of a notice of disapproval of a regulation from IRRC, the Chairperson of the EQB or that individual's designee shall notify the EQB and communicate the intent to respond on the Board's behalf to the disapproval by acting pursuant to one of the following options, subject to paragraph 4 of this section:
 - a. notify the Governor, the designated Standing Committees of the House of Representatives and the Senate (Standing Committees), and IRRC that the regulation is withdrawn, pursuant to Section 7(a) of the Act.
 - b. notify the Governor, the designated Standing Committees and IRRC that the regulation will be submitted without revisions within 40 days of the Department's receipt of the IRRC disapproval order, pursuant to Section 7 (b) of the Act.
 - c. notify the designated Standing Committees and IRRC that the regulation will be submitted with further revisions within 40 days of the Department's receipt of the IRRC disapproval order, pursuant to Section 7 (c) of the Act. At its next scheduled meeting, the Board shall consider the Department's recommended regulatory revisions to address IRRC's disapproval order and take any action the Board decides is appropriate.

4. Following any notice under B(3) by the EQB Chairperson or that individual's designee, the Board shall have 48-hours to respond to the Department's intended action. At the request of a majority of Board members, a special meeting of the EQB will be scheduled to take any action that the Board deems appropriate in response to an IRRC disapproval of a rulemaking.
5. Within five days of the Department's receipt of a notice of disapproval from either or both designated Standing Committees, the Chairperson of the EQB or that individual's designee shall notify the EQB of such disapproval and, upon approval of the Board at its next scheduled meeting, withdraw a regulation from consideration by the designated Standing Committees and IRRC, when deemed necessary.
6. Following the Department's assessment of any interceding actions that affect the need for and the promulgation of a rulemaking such as the passage of a new state law or a change in federal law or regulation, the Chairperson of the EQB or that individual's designee may notify IRRC and the designated Standing Committees that the regulation is withdrawn. Notice of the EQB Chairperson's action will be shared with the Board within 5 days from the time notification was sent to IRRC and the Standing Committees. The action by the Chairperson of the EQB or that individual's designee will not prejudice the Board from resubmitting the rulemaking to IRRC and the Standing Committees at a later time, if directed by the Board at a subsequent meeting.
7. The Chairperson of the EQB or that individual's designee shall prepare and submit such reports or other materials that are needed to comply with the procedures contained in the Act.