



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Energy Programs Office

Petition for Rulemaking: Program to Limit Greenhouse Gas Emissions

**Environmental Quality Board Meeting
April 16, 2019**

Tom Wolf, Governor

Patrick McDonnell, Secretary

Petition Submission

On November 27, 2018, the Clean Air Council, Widener University Commonwealth Law School Environmental Law and Sustainability Center, and other petitioners submitted a petition for rulemaking that requested the Board establish an economy-wide auction cap-and-trade program to limit greenhouse gas emissions.

On February 28, 2019, the petitioners resubmitted the petition to make minor amendments and add petitioners.

EQB Petition Criterion

The Department reviewed the petition in accordance with the Environmental Quality Board's Policy for Processing Petitions (25 Pa. Code Chapter 23) and has determined the petition meets the following conditions:

- The petition is complete as required by Section 23.1.
- The petition requests an action that can be taken by the EQB.
- The requested action does not conflict with federal law.

Review

On March 29, 2019, the Department notified the petitioners and the EQB that the re-submitted petition meets the requirements for acceptability as defined in § 23.2 of the EQB's Petition Policy.

Next Steps

If the EQB accepts the petition for further study, a notice of acceptance would be published in the Pennsylvania Bulletin within 30 days, then:

- The Department would prepare a report evaluating the petition within 60 days.
- If the report cannot be completed within the 60-day period, at the next EQB meeting the Department would state how much additional time is necessary to complete the report.

Next Steps

The Department's report would include a recommendation on whether the EQB should approve the action requested in the petition.

- If the recommendation is to amend a regulation, the report would also specify the anticipated date that the EQB would consider a proposed rulemaking.

Next Steps

Upon completion of the report, the Department would send a copy to the petitioner(s) who would be provided the opportunity to submit a written response to the Department within 30 days.

- Based on the Department's report and any written response received by the petitioner, the Department would make its final recommendation to the EQB as to whether the Department should proceed with a proposed rule based on the petition.

Next Steps

- If regulatory amendments are recommended, the Department would develop a proposed rulemaking for EQB consideration within 6 months.
- If regulatory amendments are not recommended, the Department would present its recommendation to the EQB at the first meeting occurring at least 45 days after the Department mailed its report to the petitioner.

Recommendation

The Department recommends that the EQB accept the petition for further study.

**The recommendation does not infer the promulgation of a rulemaking to establish a regulatory program as described in the petition.*



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