

# Regulatory Analysis Form

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REGULATORY  
REVIEW COMMISSION

①

(1) Agency

Environmental Hearing Board

(2) I.D. Number (Governor's Office Use)

106-5

IRRC Number: 2121

(3) Short Title

Environmental Hearing Board Rules of Practice and Procedure

(4) PA Code Cite

25 Pa. Code § 1021.1 *et seq.*

(5) Agency Contacts & Telephone Numbers

Primary Contact: Mary Anne Wesdock (412) 565-5245

Secondary Contact:

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Proposed rule § 1021.24 authorizes the Environmental Hearing Board (EHB) to refer *pro se* parties who claim inability to afford an attorney to counsel or organizations designated to provide *pro bono* services.

Proposed rule § 1021.54 authorizes the substitution of parties in the case of a person who has succeeded to the interests of a party to an appeal.

Proposed rule § 1021.99 authorizes the EHB to appoint hearing examiners to preside at hearings and to handle certain other matters designated therein. This rule is patterned after the General Rules of Administrative Practice and Procedure at 1 Pa. Code § 35.187 (authority delegated to presiding officers), which it will supersede and supplant.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The EHB is authorized by Section 5 (c) of the Environmental Hearing Board Act, 35 P.S. § 7515(c), to promulgate rules and regulations relating to practice and procedure.

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

§ 1021.24 – While the EHB’s current rules permit individuals to appear on their own behalf, they are encouraged to appear through counsel. The rules further state that individuals may be required to appear through counsel if the EHB determines they are acting in concert or as a representative of a group of individuals. Occasionally, the EHB encounters parties who indicate an inability to afford legal counsel. Proposed rule § 1021.24 provides a means for the EHB to refer *pro se* parties, with a claim of financial need, to designated counsel or organizations who have indicated a willingness to provide *pro bono* legal services.

§ 1021.54 – The EHB’s existing regulations do not provide a means for the substitution of parties where a person succeeds to the interests of a party to an appeal by operation of law, election, appointment or transfer of interest. Proposed rule § 1021.54 provides a means by which a successor in interest may petition the EHB to be substituted for the original party to an appeal. The rule further allows other parties to the proceeding to move to strike the substituted party for just cause.

§ 1021.99 – Proposed rule § 1021.99 substantially incorporates the authority delegated to presiding officers by 1 Pa. Code § 35.187 into the EHB’s rules codified at 25 Pa. Code § 1021.1 *et seq.*

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

None.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

§ 1021.24 – Members of the public who wish to challenge an action of the Department of Environmental Protection (DEP), but who cannot otherwise afford legal counsel, will benefit from proposed regulation § 1021.24 (referral of *pro se* parties to *pro bono* counsel).

§ 1021.54 – Any person who succeeds by operation of law, election, appointment or transfer to the interests of any other person who is a party to an action before the EHB will benefit from proposed regulation § 1021.54 (substitution of parties).

§ 1021.99 – Members of the regulated community, the DEP, as a party to all EHB proceedings, and members of the public who wish to appeal a DEP action will benefit from proposed rule § 1021.99, which authorizes the EHB to appoint hearing examiners to preside at hearings and handle other specific matters when circumstances may warrant such action, such as during a heavy trial schedule.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

None.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Anyone who is a litigant before the EHB will be affected by the proposed regulations. This includes DEP and other successor DER agencies, as well as anyone who appeals a DEP action to the EHB. Because DEP regulates a wide variety of activities conducted by individuals and businesses as well as state and local governments, they are all potential litigants before the EHB.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The proposed regulations were based on the recommendations of the EHB Rules Committee, a nine member advisory committee established by Section 5(a) of the EHB Act. The Committee is comprised of environmental law practitioners from both the public and private sectors, appointed by the Governor, the Secretary of DEP, the majority and minority leadership of the House and Senate, and DEP's Citizens Advisory Council.

The Rules Committee's meetings are sunshined according to law.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

On the whole, the proposed regulations would have little cost impact on either the public or private sector. They may, in fact, have a favorable economic impact by eliminating potential litigation over existing uncertainties in EHB procedures, authority and requirements and by aiding in trial preparation and presentation.

No accounting or consultant procedures will be required by the proposed regulations.

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

On the whole, the proposed regulations would have little impact on either the public or private sector. Some cost savings may be achieved by eliminating potential litigation over existing uncertainties in EHB procedures, authority and requirements and by aiding in trial preparation and presentation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

On the whole, the proposed regulations would have little cost impact on either the public or private sector. Some cost savings may be achieved by eliminating potential litigation over uncertainties in EHB procedures, authority and requirements and by aiding in trial preparation and presentation.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
<b>Total Savings</b>						
<b>COSTS:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Revenue Losses</b>						

(20a) Explain how the cost estimates listed above were derived.

N/A -- See above.

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
EHB	1,276,000	1,313,000	1,436,000	( 1,648,000)

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

On the whole, the proposed regulations would have little cost impact on either the public or private sector. Some cost savings may be achieved by eliminating potential litigation over uncertainties in EHB procedures, authority and requirements and by aiding in trial preparation and presentation.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

None.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The concept of alternative regulatory approaches is not germane to procedural rules for adjudicatory proceedings, as their content is dictated by relevant statutory, regulatory and constitutional provisions, as well as judicial precedent.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The EHB has not made a study of the rules of procedure before comparable administrative hearing boards of other states but does not believe the proposed rules could in any way put Pennsylvania at a competitive disadvantage. The EHB has been advised by an Allegheny County attorney who has practiced in at least 20 other states that the Pennsylvania EHB is "the most efficient and proficient environmental law tribunal" he had ever encountered.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The revisions would affect DEP, which is the appellee in every appeal filed with the EHB, as well as any other state agency which may become involved in litigation before the EHB. While agencies under the Governor's jurisdiction normally do not pursue appeals to the EHB to resolve their differences with DEP, those same agencies may be party-appellees with DEP where an appellant challenges an approval given by DEP to another Commonwealth agency (*e.g.* a permit issued to PennDOT to construct a highway culvert). Independent agencies, such as the Game Commission and the Fish and Boat Commission, may challenge approvals granted by DEP (*e.g.* a Fish and Boat Commission appeal of a surface mining permit).

The regulations of other state agencies would not be affected.

Proposed EHB regulation § 1021.99 would supersede and supplant § 35.187 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.187.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

These rules were adopted at a public meeting held on March 14, 2000 at the EHB's main office in Harrisburg, Pa., in accordance with Section 704 of the Sunshine Act, 65 Pa.C.S.A. § 704.



## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

None.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Proposed rule § 1021.24 (referral of *pro se* parties to *pro bono* counsel) has been developed to address the needs of indigent parties.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Implementation will occur immediately after adoption as final rules.

There are no conformity deadlines.

(31) Provide the schedule for continual review of the regulation.

Because the proposed regulation are rules of procedure for a quasi-judicial tribunal, no sunset date has been assigned. However, the effectiveness of the regulations will be evaluated on an on-going basis by the EHB and the EHB Rules Committee.

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**FACE SHEET  
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2121

Copy below is hereby approved as to form and legality. Attorney General.

By: *Cristina J. Caputo*  
(Deputy Attorney General)

APR 24 2000  
(Date of Approval)

Check if applicable  
Copy not approved.  
Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Environmental Hearing Board  
(Agency)

Document/Fiscal Note No. 106-5

Date of Adoption: March 14, 2000

By: *George J. Miller*

Title: George J. Miller, Chairman

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

By: *REH 5 APR 2000*

Date of Approval

(Deputy General Counsel)  
(~~Chief Counsel, Indep. Agency~~)  
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 25 - RULES AND REGULATIONS  
ENVIRONMENTAL HEARING BOARD**

**COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD  
(25 Pa. Code, Chapter 1021)**

**PRACTICE AND PROCEDURE**

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

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Copy below is hereby approved as to form and legality. Attorney General.

By: *Christina L. Rosen*  
(Deputy Attorney General)

APR 24 2000

(Date of Approval)

Check if applicable  
Copy not approved.  
Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Environmental Hearing Board  
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Title: George J. Miller, Chairman

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By: *REH 5 APR 2000*

Date of Approval

(Deputy General Counsel)  
~~(Chief Counsel, Indep. Agency)~~  
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 25 - RULES AND REGULATIONS  
ENVIRONMENTAL HEARING BOARD**

**COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD  
(25 Pa. Code, Chapter 1021)**

**PRACTICE AND PROCEDURE**

# PROPOSED RULEMAKING

## ENVIRONMENTAL HEARING BOARD [25 PA. CODE CH. 1021] PRACTICE and PROCEDURE

### PREAMBLE

The Environmental Hearing Board (EHB) proposes to revise Chapter 1021 (relating to practice and procedures) by adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have several objectives:

- (1) To provide the regulated community and the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the EHB.
- (2) To improve the rules of practice and procedure before the EHB.

#### I. *Statutory Authority for Proposed Revisions*

The EHB has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P.S. § 7515) to adopt regulations pertaining to practice and procedure before the EHB.

#### II. *Description of Proposed Revisions*

The proposed revisions are modifications to provisions of the rules to improve practice and procedure before the EHB. These proposed revisions are based on the recommendations of the EHB Rules Committee, a nine member advisory committee created by section 5 of the act to make recommendations to the EHB on its rules of practice and procedure. For the recommendations to be promulgated as regulations, a majority of the EHB members must approve the recommendations.

This summary provides a description of (1) the existing rules of practice and procedure when relevant to proposed revisions, (2) the EHB's proposed revisions; and (3) how the proposal differs from the EHB Rules Committee's recommendations.

Some of the recommendations of the EHB Rules Committee were not in proper legislative style and format, so they have been modified, where necessary, to conform to those requirements. Similarly, some of the recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), so references to those rules have been added.

The proposed rules consist of substantive amendments or additions as follows: referral of *pro se* parties to *pro bono* counsel (§ 1021.24), substitution of parties (§ 1021.54) and authority delegated to hearing examiners (§ 1021.99)

1. *Referral of pro se parties to pro bono counsel*

The EHB's existing regulation at § 1021.22 requires that parties, except individuals appearing on their own behalf, shall be represented by an attorney at all stages of the proceedings subsequent to filing the notice of appeal. While this regulation permits individuals to appear on their own behalf, it encourages them to appear through counsel and further states that they may be required to appear through counsel if the Board determines they are acting in concert or as a representative of a group of individuals.

In 1998, the Environmental, Mineral and Natural Resources Law Section (EMNRLS) of the Pennsylvania Bar Association initiated a *pro bono* program for the purpose of providing *pro bono* representation for *pro se* parties appearing before the EHB who demonstrated financial inability to retain an attorney. The EHB requested the Rules Committee to consider a rule which would provide the EHB with authority to refer such parties to the EMNRLS program or to another entity willing to provide *pro bono* representation .

The Committee proposed a rule: 1) authorizing the Secretary to the EHB to refer *pro se* individuals, who claim inability to afford an attorney, to a county bar association lawyer referral service; an individual attorney, law firm or organization whose name appears on an EHB register of attorneys who have volunteered to take on such representation; or the *pro bono* committee of the EMNRLS; and 2) authorizing the Secretary to the EHB to establish a register of qualified *pro bono* attorneys, law firms and organizations to whom *pro se* parties may be referred on a rotational basis.

The EHB concurred with the recommendation, but made two changes to the rule as drafted by the Rules Committee. First, it renumbered the order in which the entities willing to provide *pro bono* services were listed in subsection (a) of the proposed rule. Whereas under the proposed rule, the EMNRLS program had been listed third, the EHB determined that it should be listed first since it was a program which had been established specifically to provide *pro bono* representation to financially eligible parties in EHB proceedings. Second, the EHB added language clarifying when the Secretary to the Board may be required to establish a register of *pro bono* attorneys.

2. *Substitution of Parties*

The EHB's existing regulations do not provide for substitution of parties in the case of a person who has succeeded to the interests of a party to an appeal.

The Committee recommended adding § 1021.54, which will allow a person who has succeeded to the interests of a party to an appeal to become a party to the pending action by filing with the EHB a petition for substitution of party. The proposed section further provides that the substituted party shall have the rights and liabilities of the original party to the

proceeding, and that any other party to the proceeding may move to strike the substituted party for just cause.

The EHB concurred with the recommendation but made two changes. First, it required that a petition for substitution must be verified. Second, it granted a substituted appellant the right to amend his appeal if both he and the original appellant meet the conditions of amending an appeal as contained in the EHB's existing rule on amending appeals at § 1021.53. The effect of this change is to permit a substituted appellant to amend his appeal at early stages of the proceeding but would prevent amendments to the appeal at very late stages of the proceeding which might require reopening of discovery.

### 3. *Hearing Examiners*

The EHB existing regulations do not contain a rule for the delegation of authority to hearing examiners.

The Committee recommended adopting proposed § 1021.99. This section authorizes the EHB to appoint hearing examiners to preside at hearings and to handle certain other matters as authorized by this rule. The proposed rule is patterned after the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers). Proposed § 1021.99 will supersede and supplant 1 Pa. Code § 35.187.

The EHB concurred with this recommendation.

### III. *Fiscal Impact of the Proposed Revisions*

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivision or the private sector. The amendments may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in EHB procedures, authority and requirements.

### IV. *Paperwork Requirements for Proposed Revisions*

The proposed revisions will not require the EHB to modify its standard orders.

### V. *Public Meeting on Proposed Rules*

In accordance with § 704 of the Sunshine Act, Act of October 15, 1998, P.L. 729, 65 Pa.C.S.A. §§ 701 – 716, a quorum of the members of the EHB voted to adopt the proposed rules at a public meeting held on March 14, 2000 at the EHB's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania.

### VI. *Government Reviews of Proposed Revisions*

On May 22, 2000, as required by section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the EHB submitted copies of the proposed revisions to the Independent Regulatory

Review Commission (IRRC) and the Senate and House Standing Committees on Environmental Resources and Energy. The EHB also provided IRRC and the Committees with copies of a Regulatory Analysis Form prepared by the EHB in compliance with Executive Order 1982-2 (relating to improving government regulations). Copies of the Regulatory Analysis Form are available to the public upon request.

If IRRC has objections to any of the proposed revisions, it will notify the EHB within 10 days of the close of the Committee's review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the proposed revisions, by the EHB, the General Assembly and the Governor of objections raised.

VII. *Public Comment Regarding Proposed Revisions*

The EHB invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to William T. Phillipy, <sup>IV</sup> Secretary to the Environmental Hearing Board, 2<sup>nd</sup> Floor, Rachel Carson State Office Building, P.O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of the date of this publication.

GEORGE J. MILLER  
*Chairman*

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART IX. ENVIRONMENTAL HEARING BOARD**  
**CHAPTER 1021. PRACTICE AND PROCEDURES**

**Subchapter A. PRELIMINARY PROVISIONS**

**REPRESENTATION BEFORE THE BOARD**

**§ 1021.24. Referral of *Pro Se* Parties to *Pro Bono* Counsel**

**(a) The Secretary to the Board is authorized to refer parties who appear before the Board on a *pro se* basis, who claim not to be able to afford a lawyer, to:**

**(1) the *pro bono* committee of the Pennsylvania Bar Association's Environmental, Mineral and Natural Resources Law Section;**

**(2) a county bar association lawyer referral service; or**

**(3) an individual attorney, law firm or organization whose name appears on the Board's register of attorneys who have volunteered to take on such representation.**

(b) In the event the Secretary to the Board shall exercise his authority under section (a)(3), he shall establish a register of qualified *pro bono* attorneys, law firms and organizations and will refer *pro se* parties to counsel from the register on a rotational basis. To participate on the Board's register of attorneys, an attorney must be admitted to practice before the Supreme Court of Pennsylvania, must have indicated a willingness and commitment not to charge any fee for his or her services (but may be permitted to charge the reasonable expenses of the litigation) and must have registered with the Secretary.

\* \* \* \* \*

## SUBCHAPTER C. FORMAL PROCEEDINGS

### APPEALS

#### § 1021.54. Substitution of Parties

(a) A person who has succeeded to the interests of a party to an appeal by operation of law, election, appointment or transfer of interest may become a party to the pending action by filing with the Board a verified petition for substitution of party, which includes a statement of material facts upon which the right to substitute is based.

(b) The substituted party shall have all the rights and liabilities of the original party to the proceeding provided that any other party to the proceeding may move to strike the substituted party for just cause. A substituted party-appellant is limited to pursuing only those objections raised by the original appellant in its appeal, unless both the original appellant and the substituted appellant meet the conditions of section 1021.53.

\* \* \* \* \*

### HEARING EXAMINERS

#### § 1021.99. Authority Delegated to Hearing Examiners

(a) The Board may appoint hearing examiners to preside at hearings. Subject to the approval of the Board Member assigned to the case, any such hearing examiner shall have the following authority:

- (1) To schedule and regulate the course of the hearings.
- (2) To administer oaths and affirmations.
- (3) To rule on motions in limine, offers of proof and the admission or exclusion of evidence.



**(4) To conduct pre-trial conferences, settlement conferences and related pre-trial proceedings and to dispose of procedural matters.**

**(5) To schedule the filing of post-hearing briefs following the conclusion of the hearing.**

**(6) To recommend to the Board Member or to the Board an opinion and order or adjudication disposing of the matters considered at the hearing.**

**(b) Subsection (a) supersedes 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).**



COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD

2ND FLOOR - RACHEL CARSON STATE OFFICE BUILDING  
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HARRISBURG, PENNSYLVANIA 17105-8457  
(717) 787-3483  
TELECOPIER: (717) 783-4738

May 22, 2000

Honorable Mary Jo White  
Majority Chairman  
Senate Environmental Resources  
and Energy Committee  
168 Capitol Building  
Harrisburg, PA 17120

Honorable Arthur D. Hershey  
Majority Chairman  
House Environmental and Energy  
Committee  
214 Capitol Annex  
Harrisburg, PA 17120

Honorable Raphael J. Musto  
Minority Chairman  
Senate Environmental Resources  
and Energy Committee  
17 Capitol, East Wing  
Harrisburg, PA 17120

Honorable Camille George  
Minority Chairman  
House Environmental and Energy  
Committee  
38-B Capitol, East Wing  
Harrisburg, PA 17120

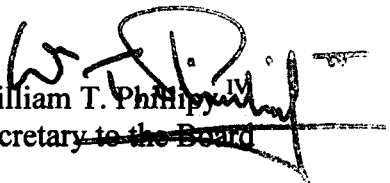
Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

Madam and Gentlemen:

In accordance with the provisions of the Regulatory Review Act, the Environmental Hearing Board is transmitting a copy of the final regulatory package to its rules of practice and procedure to the Senate Environmental Resources and Energy Committee, to the House Environmental and Energy Committee, and to the Independent Regulatory Review Commission for their review.

Sincerely,

ENVIRONMENTAL HEARING BOARD

  
William T. Phillips IV  
Secretary to the Board

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT**

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**I.D. NUMBER:** 106-5  
**SUBJECT:** Practice & Procedure  
**AGENCY:** ENVIRONMENTAL HEARING BOARD

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2/21

**TYPE OF REGULATION**

- Proposed Regulation**
- Final Regulation**
- Final Regulation with Notice of Proposed Rulemaking Omitted**
- 120-day Emergency Certification of the Attorney General**
- 120-day Emergency Certification of the Governor**
- Delivery of Tolled Regulation**
  - a.  **With Revisions**
  - b.  **Without Revisions**

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
5/22	<i>D. Neuf</i>	HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
5/22	<i>S. S. [Signature]</i>	
5/22	A.R.	SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
5-22	<i>B. Castelli</i>	
5-22	<i>Jessica Villanovet</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
5/22/00	<i>C. Lee</i>	LEGISLATIVE REFERENCE BUREAU

May 22, 2000