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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 14, 2000

George J. Miller, Chairman
Environmental Hearing Board
Rachel Carson State Office Building
400 Market Street, 2nd Floor
Harrisburg, PA 17105

Re: Regulation #106-5 (IRRC #2121)
Environmental Hearing Board
Practice and Procedure

Dear Chairman Miller:

The Independent Regulatory Review Commission approved your regulation on December 14, 2000. Our Order is enclosed and is available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,


John R. McGinley, Jr.

Chairman

cae

Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and Energy Committee
Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee
Mary Anne Wesdock, Environmental Hearing Board

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 14, 2000

John R. McGinley, Jr., Chairman
Alvin C. Bush, Vice Chairman, by phone
Arthur Coccodrilli
Robert J. Harbison, III
John F. Mizner

Regulation No. 106-5
Environmental Hearing Board
Practice and Procedure

On May 22, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends 25 Pa. Code Chapter 1021. The proposed regulation was published in the June 3, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 8, 2000.

These amendments authorize: the Board to refer pro se parties to counsel or other organizations designated to provide pro bono services; the substitution of parties in the case of a person who has succeeded to the interests of a party to an appeal; and the Board to appoint hearing examiners to preside at hearings and to handle other administrative matters during the course of those duties.

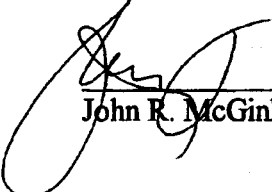
This regulation will affect any member of the public who wishes to challenge an action of the Department of Environmental Protection, any person who succeeds the interests of another person who is a party to an action before the Board and the DEP.

We have determined this regulation is consistent with the statutory authority of the Environmental Hearing Board (35 P.S. § 7515(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Chairman