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

January 10, 2002

Honorable George J. Miller, Chairman  
Environmental Hearing Board  
Rachel Carson State Office Building  
400 Market Street, 2nd Floor  
Harrisburg, PA 17101

Re: Regulation #106-6 (IRRC #2226)  
Environmental Hearing Board  
Practice and Procedure

Dear Chairman Miller:

Enclosed are our Comments. They will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

wbg

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

# **Comments of the Independent Regulatory Review Commission**

**on**

## **Environmental Hearing Board Regulation No. 106-6**

### **Rules of Practice and Procedure**

**January 10, 2002**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Environmental Hearing Board (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by December 10, 2003, the regulation will be deemed withdrawn.

#### **1. Section 1021.2. Definitions. – Clarity.**

##### *Electronic filing*

We have three concerns with this definition. First, the phrase “or such other format as the Board may permit” is vague. This phrase should be clarified through either a citation or a cross-reference in the final-form regulation.

Second, the phrase “other device” is unclear. The Board should indicate what it means by “other device” in this definition.

Finally, for clarity and readability, the Board should break the long sentence defining “electronic filing” into two sentences.

##### *Registration statement*

The phrase “such information as the Board may require” as included in this definition is vague. As a list of “such information” would be a substantive provision, it should not be included within the definition of “registration statement.” Rather, this list could be placed in the body of the regulation, such as Section 1021.22, relating to service by a party, or where the term is used.