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IRRC Irked by Proposed Chapter 102 Regulations

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Pennsylvania's Department of Environmental Protection is in the process of developing [new Chapter 102 regulations](#) to govern erosion and sediment pollution control, as well as stormwater. The Environmental Quality Board recently completed the process of accepting public comments and holding public hearings on the proposed rulemaking. The new regulations would create a permit-by-rule program, increase fees, require riparian buffers on Exceptional Value streams and expand permitting requirements.

As part of the promulgation process, the [Independent Regulatory Review Commission](#) (IRRC) evaluates the proposed regulation's clarity and economic impact as well as offers a reaction to the public comments received. On December 30, 2009, the IRRC published an extensive [28-page response](#).

The IRRC said the changes proposed by the Environmental Quality Board are so significant the regulation should be submitted to the General Assembly stating "[W]e believe the regulation represents a policy decision of such a substantial nature that it requires legislative review. To satisfy

this criterion, we recommend that the EQB submit this regulation, along with a full and balanced explanation of its impacts, for legislative consideration before proceeding with a final-form regulation." Additionally, the IRRC recommended that the public be afforded the opportunity to offer comment on any changes before finalizing the regulation.

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