

By Mr. Herren of Fall River, petition of Albert Herren for legislation to establish a board of environmental protection regulations within the Department of Environmental Protection. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT CREATING THE BOARD OF ENVIRONMENTAL PROTECTION REGULATIONS (BEPR).

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21A of the General Laws is hereby amended by insert-
2 ing after Section 5 the following new section:

3 Section 5A. There is hereby established within the Department
4 of Environmental Protection (hereinafter "DEP" or "Department")
5 a Board to be designated as the Board of Environmental
6 Protection Regulations. Said Board shall consist of seven mem-
7 bers to be appointed by the Governor, for the purpose of approv-
8 ing all regulations to be implemented prior to its implementation
9 by the DEP and all legislation proposed by the Department prior
10 to its submittal to the legislature. Members of the Board shall be
11 appointed as follows: one shall be the Commissioner of the
12 Department of Environmental Protection (DEP) or his designee;
13 one shall be a representative of a financial institution or organiza-
14 tion; one shall be a representative of a real estate institution or
15 organization; one shall be a representative of the Associated
16 Industries of Massachusetts ("AIM"); one shall be a representative
17 from the Independent Oil Men's Association ("IOMA") or in the
18 absence of such an association, a nonrefiner independent petroleum
19 distributor doing business in the Commonwealth; one shall be a
20 representative of a statewide environmental organization; and one
21 shall be a representative of the Small Business Association of
22 New England. Each such member appointed by the Governor shall

23 serve without compensation for a term of three years and may be
24 reappointed. The chairman of said Board shall be appointed annu-
25 ally by the Board.

26 The Board shall meet twice a year on the second Tuesday in
27 March and September in each year and at such other times as it
28 may determine necessary for changes in the rules and regulations
29 and proposed legislation from the DEP.

30 The Board shall hold public hearings on the first Tuesday in
31 March and September and at such other times as it may determine,
32 on petitions for changes in the rules and regulations formulated by it.
33 If, after any such hearing, it shall determine it advisable to
34 make changes in said rules and regulations, it shall appoint a day
35 for a further hearing, and shall give notice thereof and of the
36 changes proposed by advertising in such newspapers, and, where
37 appropriate, as the Board may select at least ten days before said
38 hearing. If the Board, on its own initiative, contemplates changes
39 in said rules and regulations, like notice and a hearing shall be
40 given and held before the adoption thereof.