

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-Four.

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
2 inserting after Section 5 the following new section:

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

23 member appointed by the Governor shall serve without
24 compensation for a term of three years and may be reappointed.
25 The chairman of said Board shall be appointed annually by the
26 Board.

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

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