

The Commission hereby approves the submission of the following policy statement for public comment on whether it should be adopted as a rule of the Department:

MEDIA/PUBLIC INVOLVEMENT
IN
COMPLIANCE HEARINGS

PURPOSE

It is the purpose of this rule to govern the involvement of members of the media and public in formal compliance hearings held by the Department or Commission and to set forth internal procedures concerning information to be made available to the media and public concerning such hearings.

DEFINITION

Compliance hearings are the administrative hearings conducted by the Department or Commission to receive evidence to determine whether a certain violation of the statutes or regulations have occurred and what findings, orders, or penalties should be assessed or issued. Compliance hearings will be called by the Director or Deputy Director and coordinated by the Legal Section but, in some instances, may be coordinated by Compliance and Technical Assistance Branch or Mining Division. The compliance hearing shall in all cases be under oath and be recorded.

Informal meetings or conferences called to discuss general compliance status, monitoring activities, permit activities, and similar matters shall not be considered to be "compliance hearings" as the term is used herein.

PROCEDURES

1. Communications Branch will receive a copy of the letter or notice to the regulated entity setting the compliance hearing on the same day it is issued to the regulated entity. The letter or notice should: (1) specify the subject matter of the hearing; (2) the individuals requested or ordered to attend, including those within the Department; and (3) date and place of hearing. Notice of such hearing shall not be released to the public for three (3) working days to allow time for the regulated entity to receive such letter or notice.
2. Immediately following a compliance hearing, the Director or Deputy Director shall cause to be prepared a brief synopsis of the hearing stating: (1) any factual findings announced or reached at the hearing; and (2) any decision announced at the hearing. If no decision is announced or if the matter is taken under advisement, the synopsis shall so state. Copies of synopses shall be provided to the Communications Branch, the regulated entity, and the regulated entity's Department file.

COMMISSIONERS

[Handwritten signatures and initials]
 No
 11/18
 12/7

[Handwritten signature]
 CHAIRMAN

SUBMITTED BY: _____ DATE PASSED 7-23-84

MINUTE ORDER NO. 82-59

PAGE 2 OF 2 PAGES

3. If a written decision or order is issued, whether in the form of an administrative order, letter, or other form following a compliance hearing, a copy of such order, decision, or letter shall be provided to the Communications Branch on the same day it is issued. Copies shall also be placed in the regulated entity's file.
4. When compliance hearings are deemed by Communications Branch or the coordinator of the hearing to be of such public interest that notification of the press is warranted, then press releases shall be prepared by the Communications Branch and a copy provided to the coordinator of the hearing for review. If there are no objections, the press release may be distributed with the concurrence of the Deputy Director. If there are objections, the Deputy Director shall determine if the press release is to be issued.
5. All compliance hearings shall be open to the news media and public. Restriction of the use of audio and visual equipment by the public or news media at such hearings shall be a matter for the discretion of the hearing officer.

COMMIS-
SIONERS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
CHAIRMAN

SUBMITTED BY:

DATE PASSED

7-23-82