

EXECUTIVE REORGANIZATION ORDER (EXCERPT)

E.R.O. No. 1995-3

299.911 Creation of office of administrative hearings within the department of natural resources and transfer of authority to make decisions regarding administrative appeals of surface water discharge permit applications from the commission of natural resources to the office of administrative hearings.

WHEREAS, the United States Environmental Protection Agency has delegated the authority to implement the federal National Pollution Discharge Elimination System permitting program to the Michigan Department of Natural Resources under the authority of the federal Clean Water Act, being 33 U.S.C. § 1251 et seq.; and

WHEREAS, the Michigan Department of Natural Resources issues surface water discharge permits under the authority of Act No. 245 of the Public Acts of 1929, as amended, being Section 323.1 et seq. of the Michigan Compiled Laws; and

WHEREAS, it is necessary to provide permit applicants the ability to appeal adverse decisions concerning the issuance of surface water discharge permits; and

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided in the Constitution; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of Government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963, do hereby order the following:

1. The Office of Administrative Hearings is created within the Michigan Department of Natural Resources.
2. All authority to make decisions regarding administrative appeals of surface water discharge permit applications is transferred from the Commission of Natural Resources to the Office of Administrative Hearings, Michigan Department of Natural Resources.
3. The Director of the Michigan Department of Natural Resources shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
4. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.
5. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1995, E.R.O. No. 1995-3, Eff. Apr. 9, 1995.

Compiler's note: For transfer of the Office of Administrative Hearings, including but not limited to authority, powers, duties, functions, and responsibilities, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.