

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.1317 Contested case for permit; petition for review; environmental permit panel; staffing; written opinion; final decision and order.

Sec. 1317.

(1) In a contested case regarding a permit, an administrative law judge shall preside, make the final decision, and issue the final decision and order for the department. Any party to the contested case, including the department, may, within 21 days after receiving the final decision and order, seek review of the final decision and order by an environmental permit panel by submitting a request to the director and a notice to the hearing officer.

(2) On petition for review of a final decision under subsection (1), the director shall convene an environmental permit panel in the same manner as provided under section 1315(2), except that the director shall not select as a member of the panel an individual who was a member of a panel that previously reviewed any dispute regarding the permit. The panel shall meet and conduct business in the same manner as provided under section 1315(2) and (3). The panel's review of the final decision must be limited to the record established by the administrative law judge.

(3) After an environmental permit panel is convened under subsection (2), a member of the panel shall not communicate, directly or indirectly, in connection with any issue of fact, with any party or other person, or, in connection with any issue of law, with any party or the party's representative, except on notice and opportunity for all parties to participate.

(4) An environmental permit panel may adopt, remand, modify, or reverse, in whole or in part, a final decision and order described in subsection (1). The panel shall issue an opinion that becomes the final decision of the department and is subject to judicial review as provided under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and other applicable law.

(5) The Michigan administrative hearing system shall provide an environmental permit panel with all staff necessary for the panel to perform its duties under this section.

(6) An opinion issued by an environmental permit panel must be in writing and clearly define the legal and technical principles being applied.

(7) If no party timely appeals a final decision and order described in subsection (1) to an environmental permit panel, the final decision and order is the final agency action for purposes of any applicable judicial review.

History: Add. 2018, Act 268, Imd. Eff. June 29, 2018

Compiler's Notes: For the transfer of the authority to hear permit review appeals to the director of the department of environment, Great Lakes, and energy, see E.R.O. No. 2024-2, compiled at MCL 16.735.

Popular Name: Act 451

Popular Name: NREPA