

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2012-7

29.462 Transfer of powers and duties relating to the aboveground storage tank program and the underground storage tank program from department of environmental quality to the bureau of fire services, department of licensing and regulatory affairs.

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

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

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

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, it is most efficient to house similar regulatory and license permitting agencies in a single department; and

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEPARTMENT OF ENVIRONMENTAL QUALITY

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Environmental Quality under the Aboveground Storage Tank (AST) Program, Sections 2, 2a, 3c (2 and 6), 5c, 5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of the Fire Prevention Code, 1941 PA 207, as amended, being Sections 29.2, 2a, 3c (2 and 6), 5c, 5d, 5e, 5j, 5k, 5l, 5m, 5n, and 5o of the Michigan Compiled Laws, MCL 29.451 to MCL 29.461, are transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs.

B. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Environmental Quality under the Underground Storage Tank Program, created by Executive Reorganization Order 1994-4, Executive Order 1994-7, and 1994 PA 451, MCL 324.21101 through 324.21113, are transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs.

C. The administration of Rule 336.1627, delivery vessels, vapor collection systems, of the Natural Resources and Environmental Protection Act NREPA, Act 451 of 1994, Part 55, specifically the acceptance and verification of documentation requirements described in the U.S. Environmental Protection Agency Method 27, is transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs. As part of this transfer, the Department of Environmental Quality will transfer to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs, the Rule 627 database for tracking purposes. No administration of any other rules identified or referred to in Rule 336.1627 shall be transferred.

D. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, used, held, employed, available, or to be made available to the Department of Environmental Quality for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Department of Licensing and Regulatory Affairs.

E. The director of the Department of Licensing and Regulatory Affairs, after consultation with the Director of the Environmental Quality, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Licensing and Regulatory Affairs.

F. Any authority, powers, duties and functions relative to the final agency decisions for cases arising under the authorities transferred under Section I., A.B. and C. of this Order are transferred from the Director of the Department of Environmental Quality to the Director of the Department of Licensing and Regulatory Affairs.

II. IMPLEMENTATION OF TRANSFERS

A. The directors of the departments impacted by this Order shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved.

B. The directors of the departments impacted by this Order shall administer the functions transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

C. The State Budget Director shall determine the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

III. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Department of Licensing and Regulatory Affairs by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred to the Department of Licensing and Regulatory Affairs by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

History: 2012, E.R.O. No. 2012-7, Eff. Dec. 3, 2012

Compiler's Notes: Executive Reorganization Order No. 2012-7 was promulgated October 3, 2012 as Executive Order No. 2012-14, Eff. Dec. 3, 2012.