

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

**324.11117 Site review board; establishment; purpose; review of site applications concurrently; granting or denying final approval of site applications individually; appointment, qualifications, and terms of board members; chairperson; vacancy; notice of construction permit application; quorum; legal action; meetings; staff assistance; duties of existing site review board.**

Sec. 11117. (1) A site review board shall be established to review and recommend to the department whether the department should grant or deny final approval for each site construction permit application that is referred to the board by the department. If more than 1 construction permit application for interrelated facilities on a single site within the same municipality are submitted by the same applicant, reviewed concurrently by the department, and referred to the board by the department, a single board shall be established to review the site applications concurrently but shall recommend the granting or denial of final approval for each application individually. A board shall consist of 9 voting members and a nonvoting chairperson to be appointed as provided in subsection (2).

(2) The following 9 members and 1 nonvoting chairperson shall serve on every board established to review a site construction permit application:

(a) Seven members shall be members appointed by the governor, with the advice and consent of the senate. The 7 members on each board shall include a geologist, a chemical engineer, and a toxicologist, each of whom are on the faculty of an institution of higher education within the state, a representative from a manufacturing industry, 2 representatives of the public, and a representative of a municipality. Subject to the other requirements of this subdivision, the governor may appoint more than 1 geologist, chemical engineer, toxicologist, representative from a manufacturing industry, and representative of a municipality and more than 2 representatives of the public. However, only 1 geologist, chemical engineer, toxicologist, representative from a manufacturing industry, and representative of a municipality and only 2 representatives of the public, as randomly designated by the department, shall serve on a particular board. The member who represents municipalities shall be associated with a municipality or municipal association that is or represents the same type of municipality in which a facility is proposed to be located. A member representing a municipality or the public shall not serve on a site review board that is evaluating an application for a facility located within a county or municipality that directly employs the member or in which the member resides. A vacancy shall be filled for the unexpired portion of the period in the same manner as the original appointments. All members appointed by the governor, including a chairperson appointed pursuant to subdivision (c), shall be appointed to serve on site review boards for a period of 3 years, and may be appointed for additional 3-year periods. In addition, a member may serve beyond the expiration of the member's 3-year period of service for so long a period of time as is necessary to complete action on construction permit applications pending at the expiration of the member's 3-year period of service.

(b) One member shall be appointed by the governing body of the municipality in which the treatment, storage, or disposal facility is primarily proposed to be located to serve on the board that is established to consider a particular construction permit application. One member shall be appointed by the county board of commissioners in which the treatment, storage, or disposal facility is proposed to be located and shall be a resident of the county where the facility is proposed to be located. The members serving pursuant to this subdivision shall serve until the particular construction permit application subject to their review is approved or until the application is rejected and is no longer subject to review.

(c) An attorney shall be appointed by the governor, with the advice and consent of the senate, to serve as a nonvoting chairperson on each board established to review a site construction permit. The chairperson shall have experience in conducting formal meetings where sworn testimony is received. Subject to the other requirements of this subdivision, the governor may appoint more than 1 chairperson. However, only 1 chairperson, designated by the department, shall serve on a particular board.

(3) The department shall notify the local governing body of the municipality and county government of a construction permit application filed with the department.

(4) Five of the 9 voting members of the board constitute a quorum for the transaction of business of the board and the concurrence of 5 voting members of the board constitutes a legal action of the board. All meetings of the board shall be conducted pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(5) The department shall make staff available to assist a board in carrying out its responsibilities.

(6) A site review board that is established before December 28, 1987 shall proceed and fulfill its duties pursuant to the applicable law in effect when the site review board was established.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 61, Imd. Eff. May 24, 1995.

**Compiler's note:** For transfer of site review board created within department of environmental quality to department of environmental quality, and abolishment of the board, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

**Popular name:** Act 451

**Popular name:** Hazardous Waste Act

**Popular name:** NREPA