

RULEMAKING PROCESS OVERVIEW

1. Stakeholder Input

Before EGLE officially starts the rulemaking process, EGLE conducts meetings with impacted stakeholders to understand their positions on potential rule changes. Stakeholder input helps EGLE draft the proposed rule language.

2. Request for Rulemaking

EGLE submits to the Michigan Office of Administrative Hearings and Rules (MOAHR) a proposal for rule changes which officially begins the rulemaking process.

3. Draft Rules and Regulatory Impact Statement (RIS)

EGLE must submit to MOAHR and the Environmental Rules Review Committee (ERRC) the draft rules and RIS. The RIS consists of 38 questions related to the impact the proposed rules will have on individuals, businesses and local government. MOAHR conducts a legal review of the rules and the Legislative Service Bureau edits the rules per formatting guidelines.

4. ERRC Review and Vote

The ERRC reviews the draft rules and RIS to determine if the rules meet specific statutory criteria. The ERRC can vote to do one of the following: allow the rulemaking to proceed without any future ERRC oversight, allow the rulemaking to proceed with their continued oversight, or request EGLE to make changes to the draft rules.

5. Public Hearing for Comment

EGLE submits a Public Hearing Notice to MOAHR. After the notice is approved, MOAHR publishes it in the *Michigan Register*, along with the draft rules, and EGLE publishes the Public Hearing Notice in three newspapers. Public participation in the rulemaking process is essential. It allows individuals the opportunity to present data, views and arguments.

6. Updated Draft Rules

After the public hearing(s), EGLE reviews all comments received and may make updates to the draft rules based upon the comments received. An Agency Report is created that will include the following: identification of the comments that are the basis for any rule changes, EGLE's rational for making the rule changes, transcripts from hearing(s), and a copy of all written comments that resulted in rule changes. EGLE sends a copy of the draft rules and the Agency Report to the ERRC.

7. ERRC Review and Vote

The ERRC reviews the draft rules and Agency Report. The ERRC then votes on any one of the following options:



- Approves the draft rules.
- Approves the draft rules with modifications.
- Rejects the draft rules.

If the draft rules are approved, then it proceeds to the next step. If the ERRC approves the draft rules with modification or rejects them, they must submit a notice of objection to EGLE explaining their decision. If EGLE cannot resolve the issues, then EGLE submits a written finding to the Governor. If the Governor agrees with EGLE, then the rules proceed to the Joint Committee on Administrative Rules (JCAR). If the Governor does not agree with EGLE, the rules are withdrawn.

8. JCAR – Joint Committee on Administrative Rules

MOAHR sends the Agency Report and final draft rules to the legislative committee, JCAR. The rules must be before JCAR for 15-full session days (days when both the Michigan Senate and House of Representatives are in session and a quorum is present). During the session days, JCAR may take one of the following actions:

- Waive the 15 session days and allow the rules to proceed to promulgation.
- Request that the agency make changes to the rules.
- Introduce bills to enact the subject of the rule into law.
- File a notice of objection – in this case, bills shall be introduced in both the House and Senate and placed immediately on the calendars. The bills must rescind the rule upon its effective date, repeal the statutory provision under which the rule was authorized, or stay the rule's effective date for up to one year.

If no action is taken, the rules will be filed by the MOAHR with the Office of the Great Seal after the 15 session days expire.

9. Promulgation

Once the MOAHR receives a Certificate of Adoption from EGLE, MOAHR can file the rules with the Office of the Great Seal, making the rules official. The rules may become effective immediately upon filing or at a later date as specified in the draft rules.

For more information about the rulemaking process, go to Michigan.gov/MOAHR and select "Administrative Rules."