

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 1995-18
DELEGATION LETTER

Letter No.: WHMD-169-01
Effective Date: October 1, 1995
Revised Date: April 11, 2007

TO: All Unit Supervisors
FROM: Steven E. Chester, Director



SUBJECT: Delegation Pursuant to Executive Order 1995-18 and Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Act 451) – Administration of the Scrap Tire Program; Release or Use of Bonds; Development of Forms; Scrap Tire Commodity Determinations; Annual Reports to the Legislature; Assist in Developing Markets; Authority to Request and Inspect Records; Administration of Grant Programs; and Authority to Issue Registrations

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 169, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 169 that are reserved for the Director or a Deputy Director of the Michigan Department of Environmental Quality and not delegated are listed at the end of this document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Determine that a scrap tire product is a commodity.	MCL 324.16901(1)(e)	Storage Tank and Solid Waste Section (STSWS) Chief
2. Determine relevant national standards and specifications for scrap tire commodities.	MCL 324.16901(1)(e)	STSWS Chief

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
3. Approve scrap tire collection site storage area map.	MCL 324.16903(1)(a)	Solid Waste Management Unit (SWMU) Chief
4. Release or use of bonds.	MCL 324.16903(4)	Waste and Hazardous Materials Division (WHMD) Chief
5. Development of the necessary forms to administer Part 169.	MCL 324.16903(5)(b), MCL 324.16903b(1)(d), MCL 324.16904(1), MCL 324.16904a(1), MCL 324.16905(1) and (3), and MCL 324.16908(4)	SWMU Chief
6. Authority to prepare and implement a statewide fire response plan.	MCL 324.16903a	WHMD Chief
7. Determine that a collection site is not in compliance and issue notice of noncompliance.	MCL 324.16903b(2)	WHMD District Staff
8. Issue scrap tire hauler and scrap tire collection site registrations and registration numbers.	MCL 324.16904 and MCL 324.16905	SWMU Chief
9. Request and inspect records of scrap tires removed, transported, and received.	MCL 324.16906(1), (2), and (4)	WHMD District Staff
10. Enter contracts for Scrap Tire Cleanup and Market Development Grants approved by the Director.	MCL 324.16908	WHMD Chief
11. Authorize the transfer of funds between grantees previously approved by the Director.	MCL 324.16908	WHMD Chief
12. Assist in developing scrap tire markets.	MCL 324.16908a	WHMD Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
13. File a notice of lien with the register of deeds for costs incurred to clean up post-1991 scrap tires and to file a notice of release of lien upon satisfaction of the liability secured by the lien.	MCL 324.16908b(5) and (7)	STSWS Chief
14. Enter and inspect a tire retail establishment, vehicle, collection site, or other place where scrap tires are or have been present.	MCL 324.16909a	WHMD District Staff
15. Report annually to the Legislature on the use of monies from the fund to clean up abandoned scrap tires on public lands.	MCL 324.16911(1)	WHMD Chief
16. Report every three years on the effectiveness of Part 169 in encouraging the reuse of scrap tires and ensuring the safe storage of scrap tires.	MCL 324.16911(2)	WHMD Chief
17. Facilitate the Scrap Tire Advisory Committee.	MCL 324.16911(3)	STSWS Staff

Exceptions to Delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the Director of the Michigan Department of Environmental Quality, unless otherwise indicated.

1. Ability to refer matters to the Michigan Department of Attorney General to initiate criminal or civil litigation under this part.
2. Final decision-maker in contested cases under this part.
3. Ability to order an immediate shutdown of a registered entity or ability to issue a cease-and-desist order under this part.
4. The duty to report to the Legislature within five years of the effective date of Act 451 and make various recommendations relative to the administration and changes in Act 451. [Obsolete; due January 1, 1996]

5. The seizure of bonds under MCL 324.16903(4).
6. Approve Scrap Tire Cleanup and Market Development Grants under MCL 324.16908.
7. Appoint the members of the Scrap Tire Advisory Committee under MCL 324.16911(3).

This delegation is in effect until further notice.