

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

EXECUTIVE ORDERS 1995-18 AND 1996-1
DELEGATION LETTER

Letter No.: WHMD-368-05
Former Letter No.: DWRPD-368-05
Effective Date: September 23, 1999
Revised Date: August 31, 2007

TO: All Unit Supervisors

FROM: Steven E. Chester, Director 

SUBJECT: Delegation Pursuant to Executive Orders 1995-18 and 1996-1 and Part 138, Medical Waste, of the Public Health Code, 1978 PA 368, as Amended

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 138, 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 138 that are reserved for the Director or Deputy Director of the Department of Environmental Quality (DEQ) and not delegated are listed below.

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. Approve alternative medical waste treatment processes.	MCL 333.13811(b)(v) MCL 333.13811(c)(v) MCL 333.13811(d)(iii)	Solid Waste Management Unit Chief
2. Develop medical waste registration application forms.	MCL 333.13813(1)	Medical Waste Program staff
3. Issue certificate of registration to medical waste producing facilities.	MCL 333.13813(3)	Medical Waste Program staff
4. Collect registration fees for medical waste producing facilities.	MCL 333.13813(2)	Medical Waste Program staff
5. Investigate complaints/inspect a producing facility.	MCL 333.13813(3)	Medical Waste Program staff
6. Request submittal or modification to any facility's Medical Waste Management Plan.	MCL 333.13817(4) MCL 333.13819(1)	Medical Waste Program staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
7. Issue warnings to producing facilities that fail to modify their Medical Waste Management Plan as requested.	MCL 333.13819(2)	Medical Waste Program staff
8. Investigate all reports of existence of medical waste on land or water and take necessary action to protect public health and safety.	MCL 333.13823 MCL 333.13825	Medical Waste Program staff
9. Investigate all suspected violations, take necessary corrective actions, and provide proper notifications.	MCL 333.13825	Medical Waste Program staff
10. Collect Medical Waste Program-related data and prepare annual report.	MCL 333.13827	Medical Waste Program staff
11. Levy or postpone fines relating to medical waste violations.	MCL 333.13831	Storage Tank and Solid Waste Section Chief

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the Director of the DEQ, unless otherwise indicated:

1. Ability to promulgate administrative rules under this part.
2. Ability to refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Final decision-maker in contested cases under this part.
4. Ability to order an immediate shutdown of a permitted or licensed entity or ability to issue a cease and desist order under this part.
5. Ability to appoint a representative to the Interdepartmental Medical Waste Advisory Council. (Note: This Council has not met since 1995, and draft legislation supported by the MDEQ would eliminate the Council.)

This delegation is in effect until further notice.