

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

**INTEROFFICE COMMUNICATION**

**EXECUTIVE ORDER 2011-1  
DELEGATION LETTER**

Former Letter No.: WMD-111-02  
Effective Date: October 1, 1995

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Revised Date: January 20, 2009

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Revised Date: September 9, 2010

Current Letter No.: OWMRP-111-02  
Revised Date: October 1, 2012  
Revised Date: March 11, 2015

TO: All Unit Supervisors

FROM: Dan Wyant, Director



SUBJECT: Delegation to the Office of Waste Management and Radiological Protection Pursuant to Executive Order 2011-1 and Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Compliance and Enforcement

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 111, 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 111 that are reserved for the director or a deputy director of the Michigan Department of Environmental Quality (MDEQ) 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.

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
1. Assist in encouraging, developing, and implementing methods of hazardous waste management that are environmentally sound, etc., implement policies that minimize placement of untreated hazardous waste in disposal facilities.	MCL 324.11107	All Hazardous Waste Staff
2. Determination that a unit meets the definition of a "boiler."	R 299.9101(z)	Hazardous Waste Section (HWS) Staff
3. Prohibit wastes from management in a corrective action management unit (CAMU).	R 299.9102(t)(ii)	Office of Waste Management and Radiological Protection (OWMRP) Chief (Office Chief)
4. Maintain facility mailing list.	R 299.9103(r)	HWS Secretary
5. Issue site identification number.	MCL 324.11104(2), MCL 324.11153(1), R 299.9107(s), R 299.9206(5)(b), and R 299.9303(1) and (2)	HWS Staff
6. Designate staging piles.	R 299.9107(bb)	HWS Chief
7. Receive used oil management activities written notifications.	R 299.9109(t) and R 299.9811(2)(b)	HWS Staff
8. Approve equivalent testing or analytical method and request additional information as needed.	R 299.9103(h), R 299.9212(1)(a)(iv) and (8)(c), R 299.9215(1) and (3), R 299.9216(1), R 299.9302(1)(b)(i), R 299.9506(2)(a)(iii)(B) and (6)(b)(i)(C) and (D), and R 299.9621(1)(c)(vi)	HWS Unit Chief
9. Have reason to believe material is a hazardous waste.	R 299.9201(1)	HWS Chief
10. Determine recycled materials are not wastes.	R 299.9202(6) and (7)	HWS Chief
11. Receive, review, approve, and reject (and provide notification of rejection) sampling and analysis plans associated with facilities that chose to measure concentration levels to claim certain hazardous waste exemptions (headworks exemption).	R 299.9203(1)(c)(i), (ii), (vi), and (vii)	Management and Tracking Unit (MTU) Chief
12. Receive notification and certification of exclusion of nonwastewater residues from high temperature metals recovery processing of K061, K062, and F006.	R 299.9203(4)(c)(iii)	HWS Staff

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
13. Determine that debris is no longer contaminated with hazardous waste.	R 299.9203(6)(b)	MTU Chief
14. Receive exclusion notification for wood preserving wastewaters and spent wood preserving solutions and evaluate and approve reinstatements of exclusion.	R 299.9204(1)(u)(v)(A) and (C)	HWS Chief
15. Determine that select spent materials may be placed on a pad rather than in tanks, containers, or buildings.	R 299.9204(1)(v)(iv)(I) and (v)	HWS Chief
16. Receive notifications and annual reports regarding hazardous secondary materials used to make zinc micronutrient fertilizers.	R 299.9204(1)(x)(ii)(A) and (iii)(B) and (D)	HWS Staff
17. Receive notifications from persons accumulating waste from conditionally exempt small quantity generators in excess of the specified accumulation limits.	R 299.9205(4)(a)(xiv) and (b)(vi)	HWS Staff or OWMRP District Staff
18. Receive written notification of hazardous waste electric lamp storage activity.	R 299.9206(5)(a)	HWS Staff or OWMRP District Staff
19. Identify and define characteristics of hazardous waste.	R 299.9208(1) and (2)	Office Chief
20. Evaluate petition to exclude waste produced at a particular facility, take all steps necessary to approve or deny petition, and amend or revoke petition, as appropriate.	R 299.9211(1)(a)-(c) and (c)(iii) and (2)	Office Chief
21. Evaluate need to add a waste to, or remove a waste from, the state hazardous waste listing and initiate all steps necessary to see that they are added to, or deleted from, the lists.	R 299.9209(1)-(4), R 299.9210(1) and (2), R 299.9212(4), R 299.9213(1)(b), and R 299.9214(4)	HWS Chief
22. Determine a sample to be representative.	R 299.9212(7)	HWS Staff
23. Evaluate and grant/deny a petition to add a hazardous waste or category of hazardous waste to the list of universal wastes and initiate all steps necessary to see that they are added to the list.	R 299.9229(1) and (3)	HWS Chief
24. Receive notices regarding comparable and syngas fuels exemption.	R 299.9230(2), which adopts by reference Title 40 of the Code of Federal Regulations (CFR) 261.38(c)(1)(i)(A)	HWS Staff
25. Verify content is consistent with federal format and content of manifest forms.	MCL 324.11135(7)	HWS Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
26. Receive executed copies of manifests and related notifications and request copies of executed manifests.	R 299.9304(2)(b) and (c), R 299.9308(5), R 299.9608(1) and (2), and R 299.9610(2)	HWS Staff
27. Determination of proper labeling and containerization for generators.	MCL 324.11138(1)(b)	OWMRP District Staff
28. Grant extension to generator accumulation periods.	R 299.9306(3), (6), (9), and (10)	OWMRP District Supervisors
29. Request generator to submit evaluation reports.	R 299.9307(2)	OWMRP District Supervisors or HWS Staff
30. Request generator to retain other reports in addition to biennial reports and exception reports.	R 299.9307(4)	OWMRP District Supervisors
31. Approve format and content of data reporting forms.	R 299.9308(1) and R 299.9610(1)	MTU Chief
32. Receive data submittals to be used for preparation of documentation for the U.S. Environmental Protection Agency (U.S. EPA).	R 299.9308(1) and R 299.9610(1)	HWS Staff
33. Require periodic reports of hazardous waste generated, stored, treated, or disposed of, or transported for treatment, storage, or disposal.	MCL 324.11138(1)(h) and R 299.9308(4)	OWMRP District Supervisors or HWS Chief
34. Review and inspect generator records.	MCL 324.11138(1)(f)	OWMRP District Staff
35. Request extension of record retention periods.	MCL 324.11132a(1)(h), MCL 324.11135(12), MCL 324.11136(2), MCL 324.11137(e), MCL 324.11138(1)(g), R 299.9306(1)(a)(i), R 299.9307(6), R 299.9409(4), and R 299.9609(4)	OWMRP District Supervisors or HWS Chief
36. Review and inspect transporter's manifests.	MCL 324.11136(2)	OWMRP District Staff
37. Receive exception reports from exporters.	MCL 324.11135(11) and R 299.9309(3)	HWS Staff
38. Approve or disapprove site-specific variances from the applicable land disposal restriction treatment standards.	R 299.9311, R 299.9413, and R 299.9627, which adopt by reference 40 CFR 268.44(h)	Office Chief
39. Approve alternate well installation and decommissioning plan procedures.	R 299.9506(2)(a)(v) and (b), R 299.9612(1)(b), and R 299.9629(6)	HWS Chief
40. Grant exemption from specified sole-source aquifer location standards.	R 299.9603(1)(d)	Office Chief
41. Grant exemption from specified floodplain location standards.	R 299.9603(4)	Office Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
42. Grant exemption from the specified six meters of soil location standard.	R 299.9603(5)	Office Chief
43. Receive copy of notification of waste from a foreign source via adoption of 40 CFR 264.12(a)(1).	R 299.9605(1)	OWMRP District Supervisors and copy HWS Staff
44. Approve alternate location for maintaining operating record.	R 299.9609(1)	HWS Staff or OWMRP District Staff
45. Receive copy of records of waste disposal locations and quantity.	R 299.9609(5)	HWS Staff or OWMRP District Staff
46. Approve unmanifested waste report form.	R 299.9610(2)	MTU Chief
47. Approve operating report form.	R 299.9610(3)	MTU Chief
48. Receive operating reports.	R 299.9610(3)	HWS Staff
49. Approve ambient air monitoring program or waive ambient air monitoring program requirements.	R 299.9611(2)(c) and (4)	HWS Chief
50. Waive groundwater monitoring requirements.	R 299.9611(3), (3)(a)(ii) and (iii), (3)(b), and (4) and R 299.9612(1)(h)	HWS Chief
51. Require more intensive or extensive monitoring programs.	R 299.9611(5)	HWS Chief
52. Extend point of compliance into groundwaters other than the uppermost aquifer.	R 299.9612(1)(a)	Permit and Corrective Action Unit (PCAU) Chief
53. Require sampling and analysis for secondary groundwater monitoring parameters.	R 299.9612(1)(c)	PCAU Chief
54. Receive notifications regarding statistically significant increase in primary/secondary monitoring parameters.	R 299.9612(1)(c)(iii)	HWS Staff or OWMRP District Staff
55. Approve statistical test with regard to groundwater monitoring.	R 299.9612(1)(e)	PCAU Chief
56. Specify mean value of one year's initial sampling for each well.	R 299.9612(1)(e)(ii)	PCAU Chief
57. Require compliance groundwater monitoring and corrective action for groundwater.	R 299.9612(1)(f)	HWS Chief
58. Receive environmental monitoring reports, information, or data.	R 299.9521(1)(a) and (2)(b) and R 299.9612	HWS Staff
59. Receive notice of date of partial/final closure beginning and closure and postclosure certifications.	R 299.9101(l) and R 299.9613(2), (3), and (5)	HWS Staff
60. Request additional information in closure and postclosure certifications.	R 299.9613(4) and (5)	HWS Staff
61. Waive interim secondary containment requirements for certain tank systems, wastewater treatment units, and elementary neutralization units.	R 299.9615(6)	HWS Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
62. Determine that contaminated soils cannot be practicably removed.	R 299.9616(3)(b)(i)	Office Chief
63. Approve alternate design or operating practices for leachate collection and removal system received by HWS staff.	R 299.9619(5)	HWS Chief
64. Grant owner/operator exemption from specified gas venting system requirements.	R 299.9619(6)(c)	Office Chief
65. Approve alternative design and maintenance practices relative to closure and postclosure care period.	R 299.9619(7)	Office Chief
66. Approve alternate design for waste pile and landfill base floors.	R 299.9620(4)	Office Chief
67. Approve nondestructive testing of all field seams of synthetic liners.	R 299.9621(1)(d)(iii)	HWS Chief
68. Inspect quality control programs for landfills, surface impoundments, and waste piles.	R 299.9621(2)	HWS Staff or OWMRP District Staff
69. Receive notice of contamination detected in leak detection system.	R 299.9622(2)(a)	HWS Staff or OWMRP District Staff
70. Grant exemption from leak detection system requirements.	R 299.9622(3)	Office Chief
71. Authorize filling, grading, excavating, building, drilling, or mining on property following completion of a landfill.	MCL 324.11139(2)	HWS Chief
72. Require a trial operation of incinerator and submittal of trial operations plan.	R 299.9623(7) and (7)(d)	Office Chief
73. Specify principal organic hazardous constituents.	R 299.9623(10)	HWS Chief
74. Approve a corrective action program or modification thereto.	MCL 324.11102(2) and R 299.9629(1)	HWS Chief
75. Determine if there has been a release.	MCL 324.11115a(2)	HWS Unit Chief
76. Approve a demonstration that an owner/operator is unable to obtain the necessary permission to undertake corrective action beyond the facility boundary.	MCL 324.11115a(2)(c) and R 299.9629(2)	Office Chief
77. Specify in an operating license, postclosure operating license, or consent order the following: schedules of compliance for corrective action, assurances of financial responsibility for completing corrective action, and other requirements.	MCL 324.11115a(2), (2)(a) and (b), (4), and (4)(a) and (b) and R 299.9629(3)(a) and (b)	Office Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
78. Sign corrective action cost recovery request letters based on corrective action and cost recovery language in operating license, postclosure operating license, or order, and associated cost recovery invoice.	MCL 324.11115a(2), (2)(a) and (b), (4), and (4)(a) and (b) and R 299.9629(3)(a) and (b)	HWS Chief
79. Specify the time period after a groundwater protection standard exceedance that groundwater corrective action shall begin.	R 299.9629(5)	HWS Chief
80. Approve groundwater surface water interface (GSI) compliance monitoring wells.	R 299.9629(7)	OWMRP GSI/Mixing Zone Coordinator
81. Receive notification of exceedance of GSI standards based on acute toxicity and proposals for doing corrective action.	R 299.9629(7)(a)	HWS Staff or OWMRP District Staff
82. Approve extension of submittal or implementation deadline regarding GSI exceedances.	R 299.9629(7)(b) and (c)	PCAU Chief
83. Approve new GSI compliance monitoring point and schedule for construction, if appropriate.	R 299.9629(7)(b)(ii) and (c)	OWMRP GSI/Mixing Zone Coordinator
84. Approve site-specific GSI standard.	R 299.9629(7)(b)(iii) and (c)	OWMRP GSI/Mixing Zone Coordinator
85. Receive report on effectiveness of corrective action program.	R 299.9629(10)	HWS Staff
86. Review and inspect manifests and reports at facilities.	MCL 324.11137(e)	OWMRP District Staff
87. Inspect and file written reports of licensed facilities not less than four times per year.	MCL 324.11144(1)	OWMRP District Staff
88. Receive applications for CAMUs.	R 299.9635(2)	HWS Chief
89. Designate a facility or hazardous waste management unit (HWMU) as a CAMU.	R 299.9635(2), (3), (8), (10), and (11)	Office Chief
90. Prohibit the placement of waste into a CAMU.	R 299.9635(4)	Office Chief
91. Receive information regarding waste that has not been managed in accordance with the land disposal treatment standards or certain other requirements.	R 299.9635(4)	HWS Staff
92. Ensure CAMU meets all of the specified criteria.	R 299.9635(10)	Office Chief
93. Specify information in a license or order for a CAMU.	R 299.9635(12)	Office Chief
94. Consider and approve alternate design requirements.	R 299.9635(12)(c)	Office Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
95. Make determinations regarding principal hazardous constituents and the adjustment of treatment levels and testing protocol.	R 299.9635(12)(d) and (d)(ii) and (v), (13), (13)(e)(iii) and (v), and (14) and R 299.9639(1)(b)	HWS Chief
96. Receive proper notification regarding groundwater monitoring and corrective action to provide proper notification to the MDEQ.	R 299.9635(12)(e)(iii)	HWS Chief
97. Determine what information is necessary for closure of a CAMU.	R 299.9635(12)(f) and (f)(iii)	HWS Chief
98. Establish a time limit in which a CAMU used for storage or treatment only may be operated.	R 299.9635(15)(b)	HWS Chief
99. Provide for public notice and comment regarding a CAMU.	R 299.9635(17)	Office Chief, HWS Chief, or HWS Staff per Operating License Processing Procedures
100. Impose additional requirements for CAMUs as necessary to protect human health and the environment.	R 299.9635(18)	Office Chief
101. Incorporate requirements for a CAMU into an existing license.	R 299.9635(19)	Office Chief
102. Designate a temporary unit.	R 299.9636(1)	HWS Chief
103. Consider specified factors in establishing standards for temporary units.	R 299.9636(1)	HWS Chief
104. Allow the use of alternate design, operating, and closure standards for temporary units.	R 299.9636(2)	HWS Chief
105. Specify information in a license or order for each temporary unit.	R 299.9636(3) and (5)	HWS Chief
106. Extend the operational period of a temporary unit.	R 299.9636(4)	HWS Chief
107. Document the rationale for designating a temporary unit and granting any time extensions and make available.	R 299.9636(6)	HWS Chief
108. Designate a staging pile.	R 299.9638(2)	Office Chief
109. Approve placement of CAMU-eligible waste in a hazardous waste landfill.	R 299.9639(1) and (2)	MTU Chief
110. Provide for public notice and comment regarding placement of CAMU-eligible waste in a hazardous waste landfill, receive public comments, and extend public comment period.	R 299.9639(3) and (5)(b) and (c)	Office Chief, HWS Chief, or HWS Staff per Operating License Processing Procedures
111. Receive notification from hazardous waste landfill regarding intent to receive CAMU-eligible waste.	R 299.9639(5)(a)	MTU Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
112. Object to placement of CAMU-eligible waste in a hazardous waste landfill and notify the owner or operator of objection.	R 299.9639(5)(c)-(e)	MTU Chief
113. Modify, reduce, or eliminate the notifications requirements.	R 299.9639(5)(f)	HWS Chief
114. Approve startup, shutdown, and malfunction plan and receive related notification.	R 299.9640(2)(b)	Office Chief
115. Determine if persons accumulating or storing recyclable materials from which precious metals are reclaimed should be regulated under R 299.9206(1) and complete steps necessary to render that decision.	R 299.9803(5), (6), and (6)(a) and (b)	Office Chief
116. Determine whether or not hazardous waste significantly affects the residue by evaluating conformance with the criteria in 40 CFR 266.112(b)(1) and (2).	R 299.9808(9)(b)	MTU Chief
117. Receive used oil biennial reports.	R 299.9813(3), which adopts by reference 40 CFR 279.57(b)	HWS Staff
118. Receive written notification of low-level mixed waste (LLMW) storage and treatment conditional exemption.	R 299.9822(4)(a)	HWS Chief
119. Receive written reports and notifications regarding failure to comply with conditions for LLMW storage and treatment conditional exemption and steps taken to regain the exemption. This includes the ability to request additional information.	R 299.9822(5)(b) and (8)(b) and (b)(iv)	HWS Chief
120. Receive oral notification that failure to meet LLMW storage and treatment exemption conditions may endanger human health or the environment.	R 299.9822(6)	HWS Chief
121. Terminate LLMW storage and treatment conditional exemption or require additional conditions to claim exemption.	R 299.9822(7), (9), and (10)	HWS Chief
122. Receive written notification of LLMW transportation and disposal conditional exemption.	R 299.9823(4)(a)	HWS Chief

<b>Description of Authority or Responsibility</b>	<b>Authority</b>	<b>Authority or Responsibility Delegated To:</b>
123. Receive written reports and notifications regarding failure to comply with conditions for LLMW transportation and disposal conditional exemption and steps taken to regain the exemption. This includes the ability to request additional information.	R 299.9823(6)(a), (9), and (9)(b) and (b)(iv)	HWS Chief
124. Receive oral notification that failure to meet LLMW transportation and disposal exemption conditions may endanger human health or the environment.	R 299.9823(7)	HWS Chief
125. Terminate LLMW transportation and disposal conditional exemption or require additional conditions to claim exemption.	R 299.9823(8), (10), and (11)	HWS Chief
126. Register citizen complaint or allegation of violation.	MCL 324.11144(2) and (5)	OWMRP District Staff or HWS Staff
127. Record complaint and order inspection within five business days of receipt.	MCL 324.11144(3)	OWMRP District Supervisors or HWS Unit Chief
128. Determine if complaint or allegation is of a highly serious nature requiring inspection as quickly as possible.	MCL 324.11144(3)	OWMRP District Supervisors or HWS Unit Chief
129. Provide written report to municipality within 15 days following investigation of complaint or allegation.	MCL 324.11144(4)	OWMRP District Supervisors or HWS Unit Chief
130. Authority to request information from facilities.	MCL 324.11146(1)	OWMRP Section Chiefs and OWMRP District Supervisors
131. Authority to enter, inspect, and obtain samples at facilities that generate, transport, treat, store, or dispose of hazardous waste.	MCL 324.11146(2) and R 299.9621(2)	OWMRP Staff
132. Issue Order of Noncompliance.	MCL 324.11150(1)	Office Chief
133. Send written verification of compliance.	MCL 324.11150(1)	Office Chief
134. Determine failure to make reasonable and continuous efforts to comply.	MCL 324.11150(2)	Office Chief
135. Issue second or subsequent Order of Noncompliance.	MCL 324.11150(4)(a)	Office Chief
136. Finding of violation.	MCL 324.11151(1) and R 299.9612(1)(g)	HWS Staff and OWMRP District Staff
137. Issue Violation Notice with draft Consent Order.	MCL 324.11151(1) and R 299.9612(1)(g)	Office Chief
138. Issue order requiring compliance with license, rule, or requirement, or corrective action.	MCL 324.11115a(2) and (4) and 324.11151(1)	Office Chief

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
139. Declare and terminate a "hazardous waste emergency."	R 299.9901 and R 299.9902(1) and (2)	Office Chief

***Exceptions to delegation:***

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

1. Enter into a legally binding agreement authorizing hazardous waste operations. [R 299.9102(z)]
2. Request Governor to petition U.S. EPA Regional Administrator to add a waste to federal hazardous waste listing. [R 299.9209(3)(b)]
3. Establish environmental protection standards. [R 299.9613(6); R 299.9629(3)(a), (3)(a)(ii)-(iv), (3)(b), (3)(b)(ii)-(iv), (4), (5), (6), (7), (7)(b)(i), (ii)(A) and (G), and (iii)(C), (8), (8)(c), and (9); and R 299.9635(13)(b) and (20)]
4. Issue orders suspending or restricting facilities' licenses, without first issuing an Order of Noncompliance. [MCL 324.11150(3) and (4)(b)]
5. Determine the probable cause of the violations, search without a warrant, and seizing property. [MCL 324.11146(3)]
6. Consult with the director of the Michigan Department of Community Health regarding imminent and substantial hazards and to take appropriate action as a result of a determination that an imminent and substantial hazard does exist. [MCL 324.11148(1)]
7. Request the Michigan Department of Attorney General to institute appropriate legal action. [MCL 324.11148(1)(b)]
8. Authority to promulgate administrative rules. [MCL 324.11127 and MCL 324.11128 and R 299.9215(3)]
9. Certify a city, county, or district health department to administer and enforce portions of the Part 111 program. [MCL 324.11145]

This delegation is in effect until further notice.