

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

**EXECUTIVE ORDER 2011-1
DELEGATION LETTER**

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

Current Letter No.: WMRPD-111-02
Revised Date: April 19, 2018

TO: All Unit Supervisors

FROM: C. Heidi Grether, Director 

SUBJECT: Delegation to the Waste Management and Radiological Protection Division 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 the environment deputy director of the Michigan Department of Environmental Quality (MDEQ) and not delegated are 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. 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(v)(ii)	Waste Management and Radiological Protection Division (WMRPD) Director
4. Maintain facility mailing list.	R 299.9103(t)	HWS Secretary
5. Issue site identification number.	MCL 324.11104(2), MCL 324.11153(1), R 299.9107(u), R 299.9206(5)(b), and R 299.9303(1) and (2)	HWS Staff
6. Designate staging piles.	R 299.9107(ee)	HWS Manager
7. Receive used oil management activities written notifications.	R 299.9109(v) and R 299.9811(2)(b)	HWS Staff
8. Approve equivalent testing or analytical method and request additional information as needed.	R 299.9103(j), R 299.9105, 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 Supervisor
9. Have reason to believe material is a hazardous waste.	R 299.9201(1)	HWS Manager
10. Determine recycled materials are not wastes.	R 299.9202(6) and (7)	HWS Manager
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) Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
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
13. Determine that debris is no longer contaminated with hazardous waste.	R 299.9203(6)(b)	MTU Supervisor
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 Manager
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 Manager
16. Receive notifications and annual reports regarding hazardous secondary materials used to make zinc micronutrient fertilizers.	R 299.9204(1)(w)(ii)(A) and (iii)(B) and (D)	HWS Staff
17. Receive and process hazardous secondary material legitimate reclamation certifications.	R 299.9204(1)(aa)(i)(B) and (C) and (vi)(A)	HWS Staff
18. Receive and process hazardous secondary material remanufacturing notifications.	R 299.9204(1)(cc)(vi)(A)	HWS Staff
19. Request carbon dioxide stream certification statements required under subdivisions (d) and (e).	R 299.9204(13)(f)	HWS Staff
20. 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 WMRPD District Staff
21. Receive written notification of hazardous waste electric lamp storage activity.	R 299.9206(5)(a)	HWS Staff or WMRPD District Staff
22. Identify and define characteristics of hazardous waste.	R 299.9208(1) and (2)	WMRPD Director
23. 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)	WMRPD Director
24. 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 Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
25. Determine a sample to be representative.	R 299.9212(7)	HWS Staff
26. 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 Manager
27. Receive and process notifications regarding legitimacy of hazardous secondary material recycling activity.	R 299.9232(1)(d)(iii)(C)	HWS Staff
28. Verify content is consistent with federal format and content of manifest forms.	MCL 324.11135(7)	HWS Manager
29. Receive executed copies of manifests and related notifications and request copies of executed manifests.	R 299.9304(1)(d), R 299.9308(5), R 299.9608(1) and (2), and R 299.9610(2)	HWS Staff
30. Determination of proper labeling and containerization for generators.	MCL 324.11138(1)(b)	WMRPD District Staff
31. Grant extension to generator accumulation periods.	R 299.9306(3), (6), (9), and (10)	WMRPD District Supervisors
32. Request generator to submit evaluation reports.	R 299.9307(2)	WMRPD District Supervisors or HWS Staff
33. Request generator to retain other reports in addition to biennial reports and exception reports.	R 299.9307(4)	WMRPD District Supervisors
34. Approve format and content of data reporting forms.	R 299.9308(1) and R 299.9610(1)	MTU Supervisor
35. 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
36. 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)	WMRPD District Supervisors or HWS Manager
37. Review and inspect generator records.	MCL 324.11138(1)(f)	WMRPD District Staff
38. 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)	WMRPD District Supervisors or HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
39. Review and inspect transporter's manifests.	MCL 324.11136(2)	WMRPD District Staff
40. Receive exception reports from exporters.	MCL 324.11135(11) and R 299.9309(3)	HWS Staff
41. 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)	WMRPD Director
42. 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 Manager
43. Grant exemption from specified sole-source aquifer location standards.	R 299.9603(1)(d)	WMRPD Director
44. Grant exemption from specified floodplain location standards.	R 299.9603(4)	WMRPD Director
45. Grant exemption from the specified six meters of soil location standard.	R 299.9603(5)	WMRPD Director
46. Receive copy of notification of waste from a foreign source via adoption of 40 CFR 264.12(a)(1).	R 299.9605(1)	WMRPD District Supervisors and copy HWS Staff
47. Approve alternate location for maintaining operating record.	R 299.9609(1)	HWS Staff or WMRPD District Staff
48. Receive copy of records of waste disposal locations and quantity.	R 299.9609(5)	HWS Staff or WMRPD District Staff
49. Approve unmanifested waste report form.	R 299.9610(2)	MTU Supervisor
50. Approve operating report form.	R 299.9610(3)	MTU Supervisor
51. Receive operating reports.	R 299.9610(3)	HWS Staff
52. Approve ambient air monitoring program or waive ambient air monitoring program requirements.	R 299.9611(2)(c) and (4)	HWS Manager
53. Waive groundwater monitoring requirements.	R 299.9611(3), (3)(a)(ii) and (iii), (3)(b), and (4) and R 299.9612(1)(h)	HWS Manager
54. Require more intensive or extensive monitoring programs.	R 299.9611(5)	HWS Manager
55. Extend point of compliance into groundwaters other than the uppermost aquifer.	R 299.9612(1)(a)	Permit and Corrective Action Unit (PCAU) Supervisor
56. Require sampling and analysis for secondary groundwater monitoring parameters.	R 299.9612(1)(c)	PCAU Supervisor
57. Receive notifications regarding statistically significant increase in primary/secondary monitoring parameters.	R 299.9612(1)(c)(iii)	HWS Staff or WMRPD District Staff
58. Approve statistical test with regard to groundwater monitoring.	R 299.9612(1)(e)	PCAU Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
59. Specify mean value of one year's initial sampling for each well.	R 299.9612(1)(e)(ii)	PCAU Supervisor
60. Require compliance groundwater monitoring and corrective action for groundwater.	R 299.9612(1)(f)	HWS Manager
61. Receive environmental monitoring reports, information, or data.	R 299.9521(1)(a) and (2)(b) and R 299.9612	HWS Staff
62. 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
63. Request additional information in closure and postclosure certifications.	R 299.9613(4) and (5)	HWS Staff
64. Waive interim secondary containment requirements for certain tank systems, wastewater treatment units, and elementary neutralization units.	R 299.9615(6)	HWS Manager
65. Determine that contaminated soils cannot be practicably removed.	R 299.9616(3)(b)(i)	WMRPD Director
66. Approve alternate design or operating practices for leachate collection and removal system received by HWS staff.	R 299.9619(5)	HWS Manager
67. Grant owner/operator exemption from specified gas venting system requirements.	R 299.9619(6)(c)	WMRPD Director
68. Approve alternative design and maintenance practices relative to closure and postclosure care period.	R 299.9619(7)	WMRPD Director
69. Approve alternate design for waste pile and landfill base floors.	R 299.9620(4)	WMRPD Director
70. Approve nondestructive testing of all field seams of synthetic liners.	R 299.9621(1)(d)(iii)	HWS Manager
71. Inspect quality control programs for landfills, surface impoundments, and waste piles.	R 299.9621(2)	HWS Staff or WMRPD District Staff
72. Receive notice of contamination detected in leak detection system.	R 299.9622(2)(a)	HWS Staff or WMRPD District Staff
73. Grant exemption from leak detection system requirements.	R 299.9622(3)	WMRPD Director
74. Authorize filling, grading, excavating, building, drilling, or mining on property following completion of a landfill.	MCL 324.11139(2)	HWS Manager
75. Require a trial operation of incinerator and submittal of trial operations plan.	R 299.9623(7) and (7)(d)	WMRPD Director
76. Specify principal organic hazardous constituents.	R 299.9623(10)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
77. Approve a corrective action program or modification thereto.	MCL 324.11102(2) and R 299.9629(1)	HWS Manager
78. Determine if there has been a release.	MCL 324.11115a(2)	HWS Unit Supervisor
79. 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)	WMRPD Director
80. 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)	WMRPD Director
81. 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 Manager
82. Specify the time period after a groundwater protection standard exceedance that groundwater corrective action shall begin.	R 299.9629(5)	HWS Manager
83. Approve groundwater surface water interface (GSI) compliance monitoring wells.	R 299.9629(7)	WMRPD GSI/Mixing Zone Coordinator
84. 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 WMRPD District Staff
85. Approve extension of submittal or implementation deadline regarding GSI exceedances.	R 299.9629(7)(b) and (c)	PCAU Supervisor
86. Approve new GSI compliance monitoring point and schedule for construction, if appropriate.	R 299.9629(7)(b)(ii) and (c)	WMRPD GSI/Mixing Zone Coordinator
87. Approve site-specific GSI standard.	R 299.9629(7)(b)(iii) and (c)	WMRPD GSI/Mixing Zone Coordinator
88. Receive report on effectiveness of corrective action program.	R 299.9629(10)	HWS Staff
89. Review and inspect manifests and reports at facilities.	MCL 324.11137(e)	WMRPD District Staff
90. Inspect and file written reports of licensed facilities not less than four times per year.	MCL 324.11144(1)	WMRPD District Staff
91. Receive applications for CAMUs.	R 299.9635(2)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
92. Designate a facility or hazardous waste management unit (HWMU) as a CAMU.	R 299.9635(2), (3), (8), (10), and (11)	WMRPD Director
93. Prohibit the placement of waste into a CAMU.	R 299.9635(4)	WMRPD Director
94. 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
95. Ensure CAMU meets all of the specified criteria.	R 299.9635(10)	WMRPD Director
96. Specify information in a license or order for a CAMU.	R 299.9635(12)	WMRPD Director
97. Consider and approve alternate design requirements.	R 299.9635(12)(c)	WMRPD Director
98. 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 Manager
99. Receive proper notification regarding groundwater monitoring and corrective action to provide proper notification to the MDEQ.	R 299.9635(12)(e)(iii)	HWS Manager
100. Determine what information is necessary for closure of a CAMU.	R 299.9635(12)(f) and (f)(iii)	HWS Manager
101. Establish a time limit in which a CAMU used for storage or treatment only may be operated.	R 299.9635(15)(b)	HWS Manager
102. Provide for public notice and comment regarding a CAMU.	R 299.9635(17)	WMRPD Director, HWS Manager, or HWS Staff per Operating License Processing Procedures
103. Impose additional requirements for CAMUs as necessary to protect human health and the environment.	R 299.9635(18)	WMRPD Director
104. Incorporate requirements for a CAMU into an existing license.	R 299.9635(19)	WMRPD Director
105. Designate a temporary unit.	R 299.9636(1)	HWS Manager
106. Consider specified factors in establishing standards for temporary units.	R 299.9636(1)	HWS Manager
107. Allow the use of alternate design, operating, and closure standards for temporary units.	R 299.9636(2)	HWS Manager
108. Specify information in a license or order for each temporary unit.	R 299.9636(3) and (5)	HWS Manager
109. Extend the operational period of a temporary unit.	R 299.9636(4)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
110. Document the rationale for designating a temporary unit and granting any time extensions and make available.	R 299.9636(6)	HWS Manager
111. Designate a staging pile.	R 299.9638(2)	WMRPD Director
112. Approve placement of CAMU-eligible waste in a hazardous waste landfill.	R 299.9639(1) and (2)	MTU Supervisor
113. 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)	WMRPD Director, HWS Manager, or HWS Staff per Operating License Processing Procedures
114. Receive notification from hazardous waste landfill regarding intent to receive CAMU-eligible waste.	R 299.9639(5)(a)	MTU Supervisor
115. 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 Supervisor
116. Modify, reduce, or eliminate the notifications requirements.	R 299.9639(5)(f)	HWS Manager
117. Approve startup, shutdown, and malfunction plan and receive related notification.	R 299.9640(2)(b)	WMRPD Director
118. 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)	WMRPD Director
119. 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 Supervisor
120. Receive used oil biennial reports.	R 299.9813(3), which adopts by reference 40 CFR 279.57(b)	HWS Staff
121. Receive written notification of low-level mixed waste (LLMW) storage and treatment conditional exemption.	R 299.9822(4)(a)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
122. 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 Manager
123. 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 Manager
124. Terminate LLMW storage and treatment conditional exemption or require additional conditions to claim exemption.	R 299.9822(7), (9), and (10)	HWS Manager
125. Receive written notification of LLMW transportation and disposal conditional exemption.	R 299.9823(4)(a)	HWS Manager
126. 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 Manager
127. 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 Manager
128. Terminate LLMW transportation and disposal conditional exemption or require additional conditions to claim exemption.	R 299.9823(8), (10), and (11)	HWS Manager
129. Register citizen complaint or allegation of violation.	MCL 324.11144(2) and (5)	WMRPD District Staff or HWS Staff
130. Record complaint and order inspection within five business days of receipt.	MCL 324.11144(3)	WMRPD District Supervisors or HWS Unit Supervisor
131. Determine if complaint or allegation is of a highly serious nature requiring inspection as quickly as possible.	MCL 324.11144(3)	WMRPD District Supervisors or HWS Unit Supervisor
132. Provide written report to municipality within 15 days following investigation of complaint or allegation.	MCL 324.11144(4)	WMRPD District Supervisors or HWS Unit Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
133. Authority to request information from facilities.	MCL 324.11146(1)	WMRPD Section Managers and WMRPD District Supervisors
134. 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)	WMRPD Staff
135. Issue Order of Noncompliance.	MCL 324.11150(1)	WMRPD Director
136. Send written verification of compliance.	MCL 324.11150(1)	WMRPD Director
137. Determine failure to make reasonable and continuous efforts to comply.	MCL 324.11150(2)	WMRPD Director
138. Issue second or subsequent Order of Noncompliance.	MCL 324.11150(4)(a)	WMRPD Director
139. Finding of violation.	MCL 324.11151(1) and R 299.9612(1)(g)	HWS Staff and WMRPD District Staff
140. Issue Violation Notice with draft Consent Order.	MCL 324.11151(1) and R 299.9612(1)(g)	WMRPD Director
141. Issue order requiring compliance with license, rule, or requirement, or corrective action.	MCL 324.11115a(2) and (4) and 324.11151(1)	WMRPD Director
142. Declare and terminate a "hazardous waste emergency."	R 299.9901 and R 299.9902(1) and (2)	WMRPD Director

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(bb)]
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 Health and Human Services 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.