

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2011-1
DELEGATION LETTER

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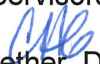
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Revised Date: October 1, 2012
Revised Date: March 11, 2015

Current Letter No.: WMRPD-111-01
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 – Licensing of Hazardous Waste Treatment, Storage, and Disposal Facilities

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 Environment 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. Approve Part A withdrawal.	MCL 324.11115a(3) and R 299.9629(1)(b)	Waste Management and Radiological Protection Division (WMRPD) Director
2. Provide all types of operating license application forms.	MCL 324.11123(2), (5), and (6) and R 299.9502(7), R 299.9508(1)(a), R 299.9509(1), R 299.9510(2), and R 299.9519(12)	Hazardous Waste Section (HWS) Staff
3. Receive notification of compliance with Title 40 of the Code of Federal Regulations (CFR), Part 63, Subpart EEE, and apply referenced subrules.	R 299.9504(4), R 299.9623(2), R 299.9640(2), and R 299.9808(4)	HWS Manager
4. Determine provisions necessary to ensure compliance with 40 CFR, Section 264.345(a) and (c), and whether to apply Subrule (4) for collecting information.	R 299.9504(4)	HWS Manager
5. Determine informational needs for applications for incineration or thermal treatment of hazardous waste and approve applications without a trial burn plan.	R 299.9504(4) and (4)(b) and R 299.9508(1)(b)	HWS Manager
6. Determine if 40 CFR, Part 63, Subpart EEE, standards alone are protective and require additional information or assessments.	R 299.9504(20)	HWS Manager
7. Receive operating license application and related materials required.	MCL 324.11118a(3), MCL 324.11123(3), and MCL 324.11140(1)	HWS Manager
8. Require additional business plan information in applications for facilities with multisource commercial hazardous waste disposal wells.	MCL 324.11118a(3)(c) and (d)	HWS Manager
9. Provide applicant with a description of the application review process, the location where the complete application may be reviewed, and an explanation of how copies of the complete application may be obtained for their use in preparing notice.	MCL 324.11123(2)(c)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
10. Waive all or any portion of the requirement that disclosure statements contain information on the five persons holding the largest shares of equity in or debt liability of the proposed facility if applicant is a corporation with publicly traded stock.	MCL 324.11123(2)(k)(i) (B)	HWS Manager
11. Begin processing operating license application.	MCL 324.11123(1) and R 299.9509(2)	HWS Manager
12. Notify operating license applicant with respect to application completeness.	R 299.9509(4) and (5)	HWS Manager
13. Commence public participation process for operating license application.	R 299.9509(7) and (8), and R 299.9511(7) and (9)	WMRPD Director, HWS Manager, or HWS Staff per Operating License Processing Procedures
14. Review operating license applications to determine technical completeness and compliance with Part 111 and all other required permits.	MCL 324.11123(2)(n)(ii) and (8) and R 299.9517(2)(b)	HWS Staff or WMRPD District Staff
15. Prepare draft operating license.	R 299.9509(8) and R 299.9511(7), (7)(a), (8) and (9)	HWS Staff
16. Issue response to comments and make available to the public.	R 299.9515(2)-(3)	HWS Manager
17. Grant operating license extensions.	R 299.9516(2)	HWS Manager
18. Establish and adjust schedule requiring persons to submit an operating license application, request submittal of the applications, and receive applications.	MCL 324.11123 (5) and (7), R 299.9502(2)(c) and(3)(b), R 299.9510(1), R 299.9519(12), R 299.9520(2), and R 299.9640(3)	WMRPD Director
19. Issue an enforceable document in place of an operating license for the postclosure period.	R 299.9502(12)	WMRPD Director
20. Provide for meaningful public participation for enforceable documents issued in lieu of an operating license for the postclosure period.	R 299.9502(12) and (12)(a) and (b)	HWS Manager
21. Grant extensions to operating license application submittal date.	R 299.9510(5)	HWS Staff
22. Inspect facility for which an operating license application has been submitted and prepare written report.	MCL 324.11124	HWS Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
23. Begin processing operating license application.	R 299.9510(3)	HWS Staff
24. Waive certain operating license application requirements.	R 299.9504(19) and R 299.9508(1)(b)	HWS Manager
25. Waive hydrogeological report requirements for non-land-based units in certain situations.	R 299.9508(2)	HWS Manager
26. Allow substitution of, or approve submittal waiver for, hydrogeological report information.	R 299.9506(2)(f) and (7)	HWS Unit Supervisor
27. Request updated application submittals from the facility.	R 299.9520(2)	HWS Manager
28. Approve demonstrations that restrictions and notifications have been recorded on the property deed or other suitable document.	MCL 324.11139(1)	HWS Manager
29. Approve demonstrations that restrictive covenants have been imposed.	MCL 324.11139(2) and R 299.9508(1)(a)	HWS Manager
30. File restrictive covenant with Office of the Registrar of Deeds in the county where disposal facility is located.	MCL 324.11139(2)	HWS Staff
31. Make reasonable judgments whether operating license should be granted.	R 299.9518(2)(c)	WMRPD Director
32. Require additional information in an application pertinent to the evaluation of the facility or establish operating license conditions.	MCL 324.11123(5)(c) and R 299.9504(18) and R 299.9508(1)(a) and (3)	HWS Manager
33. Draft operating license and conditions therein.	MCL 324.11123(2) and R 299.9511(7), (7)(a), (8), and (9) and R 299.9521(1)(c), (2), (3), and (3)(a)-(c)	HWS Staff
34. Extend operating license final decision deadline.	MCL 324.11125(4) and R 299.9510(7)	HWS Manager
35. Issue or modify operating license for new or expanded, enlarged, or altered facility.	MCL 324.11123(1); MCL 324.11125(4); R 299.9502(3)-(5); R 299.9510(6), (7), and (9); R 299.9511(7); R 299.9516(4); R 299.9519(1), (2), (4), (5), (5)(l)(iv), (6)(a) and (b), and (7); R 299.9520(1)-(3); and R 299.9521(1)(b)(iii)	WMRPD Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
36. Issue, reissue, or modify operating license for existing facility.	MCL 324.11123(1); MCL 324.11125(4); R 299.9502(3)-(5); R 299.9510(6), (7), and (9); R 299.9511(7); R 299.9516(4); R 299.9519(1), (2), (4), (5), (5)(l)(iv), (6)(a) and (b), and (7); R 299.9520(1)-(3); and R 299.9521(1)(b)(iii)	HWS Manager or HWS Unit Supervisor (minor modifications only)
37. Provide notice of final license decision to facility mailing list.	MCL 324.11123(9) and MCL 324.11125(8)	WMRPD Director, HWS Manager, or HWS Staff per Operating License Processing Procedures
38. Provide written approval of technology changes needed to meet 40 CFR, Part 63, Subpart EEE.	R 299.9519(5)(k)	WMRPD Director
39. Provide written approval of waiver of operating and emission limits.	R 299.9519(5)(l)	WMRPD Director
40. Establish license conditions in addition to those under 40 CFR, Part 63, Subpart EEE, or applicable requirements of Parts 6 and 8 of the Part 111 Rules.	R 299.9521(3)(c)	WMRPD Director
41. Determine need for license conditions that minimize emissions from startup, shutdown, or malfunction events.	R 299.9640(1) and (3)	HWS Staff
42. Determine which hazardous wastes are to be covered in a research, development, and demonstration operating license; specify other requirements and conditions with which compliance will be required per license; modify or waive license application requirements; and issue or terminate license.	R 299.9501(4), (4)(b)-(d), and (5)	WMRPD Director
43. Issue or terminate a temporary emergency operating license.	R 299.9501(3) and (5)	WMRPD Director
44. Require additional certifications periodically during the operation and closure of a facility.	MCL 324.11125(9)(b)	HWS Manager
45. Develop facility mailing list and inform public about the list.	MCL 324.11123(9) and R 299.9513(3) and (4) and R 299.9519(6)(b)	HWS Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
46. Charge fee to cover the cost of materials requested by person on facility mailing list.	MCL 324.11123(9)	WMRPD, Administration Section, Staff
47. Determine if additional newspaper publications are necessary and advise operating license applicant.	R 299.9511(1)(c)(ii)(A)	HWS Staff
48. Approve use of another medium for noticing preapplication meeting.	R 299.9511(1)(c)(ii)(C)	HWS Staff
49. Provide mailing list and appropriate units of state and local government with notice that application has been submitted and place application and supporting documents in a location accessible to the public in the vicinity of the facility and at an appropriate MDEQ office.	MCL 324.11125(1)(a) and R 299.9511(3)(a) and (b)	HWS Staff
50. Assess need for information repository and the information to be included therein, the appropriate location thereof as necessary, and the length of time it is to be maintained.	R 299.9511(5) and (5)(b)(i)-(iii)	HWS Staff
51. Require operating license applicants to provide notice of information repository to the mailing list.	R 299.9511(5)(c)	HWS Staff
52. Complete public participation for operating license application.	R 299.9510(7)	HWS Manager
53. Determine if specified criteria have been met such that a public meeting is necessary.	R 299.9514(2)(a)-(c)	HWS Staff
54. Determine appropriate locations for posting public notices regarding final operating license decisions.	R 299.9513(1)(e)	HWS Staff
55. Prepare fact sheet.	R 299.9511(7)(b)	HWS Staff
56. Schedule, public notice, and hold public hearing regarding final operating license decision or a major modification thereof.	MCL 324.11125(3); R 299.9511(7), (7)(c)-(e), and (9); and R 299.9514(2), (2)(a)-(c), and (5)	HWS Staff
57. Review comments on final decision received during the public participation process.	R 299.9515(1)	HWS Staff
58. Issue response to comments.	R 299.9515(4)	HWS Manager

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
59. Approve deviations (modifications) from conditions of operating license or from approved plans.	MCL 324.11125(9); R 299.9519(1), (3)(d), (4), (5), (6)(a), (6)(a)(i), (6)(b), (7), and (9)(a)	WMRPD Director (license for new or expanded, enlarged, or altered facility) or HWS Manager (all others)
60. Provide notice to licensee of intent to inspect and inspect modified facility to determine compliance with operating license conditions.	MCL 324.11124(1) and (2) and R 299.9521(1)(b)(ii)(A) and (B)	HWS Staff or WMRPD District Staff
61. Receive, obtain, and use information, including "confidential" information.	MCL 324.11129(1) and (2)	HWS Staff
62. Notify regulated person of request for public record, receive demonstration that information is "confidential," and grant request for information unless satisfactory "confidential" demonstration approved.	MCL 324.11129(2)	HWS Manager
63. Approve demonstration that information meets requirements for "confidential" designation and settle disputes regarding whether or not to grant request.	MCL 324.11129(2)	WMRPD Director
64. Release any information obtained under Part 111 to the U.S. Environmental Protection Agency.	MCL 324.11129(4)	HWS Manager and WMRPD District Supervisor
65. Approve a closure plan.	R 299.9503(4)(a)(ii) and (b)	HWS Manager
66. Evaluate, process, and approve or deny a petition demonstrating compliance with 40 CFR, Part 264, closure-by-removal standards.	R 299.9502(8), (8)(a) and (b), (9), (9)(d), and (10)	HWS Manager
67. Grant exemption from operating license requirements under specified conditions.	R 299.9503(4)	HWS Manager

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. Finding of an imminent and substantial endangerment to human health and the environment. [MCL 324.11148(1), R 299.9501(3), and R 299.9612(1)(g)]
2. Authority to deny or revoke operating licenses. [MCL 324.11123(4); MCL 324.11125; MCL 324.11148(1)(c); R 299.9501(1); R 299.9504(4)(b); R 299.9507(3); R 299.9509(6) and (8); R 299.9517(1)-(3); R 299.9518(1) and (2); R 299.9519(1), (2), (4), (6)(a) and (b), and (7); R 299.9520(1)-(3); R 299.9521(1)(b)(i); and R 299.9616(3)(b)(ii)]

3. Upon revocation of an operating license, the authority to order the owner/operator to close the facility and cease all activities subject to operating license requirements, except those necessary for closure. [R 299.9520(4)]
4. Authority to promulgate rules under Part 111. [MCL 324.11127, MCL 324.11128, and MCL 324.11140(2) and R 299.9215(3)]

This delegation is in effect until further notice.