

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13708 Duties of director or director's designee.

Sec. 13708. The director or the director's designee, with the assistance of other state departments and agencies, shall do all of the following:

- (a) Implement a regulatory, inspection, and enforcement program to carry out the provisions of this part.
- (b) Issue a construction and operating license to the authority upon the submittal by the authority of an application for a license for the construction and operation of the disposal unit on the disposal site that is in compliance with the requirements of this part and with rules promulgated under this part.
- (c) Issue permits to generators, carriers, collectors, and processors if all the requirements of this part and rules promulgated under this part are met.
- (d) Assure that the authority fulfills its responsibilities under this act and under the low-level radioactive waste authority act.
- (e) Promulgate rules and take any other action considered necessary by the department as authorized under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In fulfilling the requirement to promulgate rules, the director shall promulgate rules necessary to implement the provisions of this part that pertain to the issuance of permits to generators, transporters, collectors, and processors, including rules pertaining to the possession of waste by a generator, transporter, collector, or processor that is incidental to the regulated activity of the permit holder.
- (f) Contract as necessary for research and services to assist in the implementation of the department's powers and duties under this part.
- (g) Insure the permanent maintenance of records that are sufficient to assure a complete accounting of all waste that is generated, transported, processed, collected, and disposed of in this state, and which includes the maintenance of records pertaining to the operation of the disposal site, the site, site closure and stabilization, and institutional control.
- (h) Review the monthly report submitted by the authority to the department as required in section 18 of the low-level radioactive waste authority act.
- (i) Take responsive action regarding any discrepancy or other matter considered necessary by the department after reviewing the monthly report described in subdivision (h).
- (j) Biannually audit all of the records pertaining to manifests that are maintained by the authority.
- (k) Develop and implement policies and programs to insure adequate and informed public participation in matters pertaining to the regulation of the disposal site.
- (l) Review and comment on the site selection process developed by the authority pursuant to the low-level radioactive waste authority act.
- (m) Review and approve or disapprove the weekly construction inspection submitted by the authority during the construction of the disposal site.
- (n) Review for completeness only the contracts entered into by the authority pursuant to the low-level radioactive waste authority act.
- (o) Review the authority's recommendation regarding sanctions against a generator, carrier, collector, or processor who the authority suspects has violated this part, rules promulgated under this part, or a permit issued under this part and respond by taking appropriate regulatory action.
- (p) Assure that the authority charges just and reasonable fees and surcharges for the disposal of waste and obtains sufficient funds to cover expenses incurred under this part and as required in the low-level radioactive waste authority act.
- (q) Seek appropriations from the general fund and from the low-level radioactive waste management fund from the legislature in amounts that are sufficient to fulfill the department's responsibilities under this part.
- (r) Approve or disapprove a waiver by the authority of 1 or more of the criteria for the selection of 3 candidate sites provided for in section 11(4) of the low-level radioactive waste authority act. If the director approves the waiver, the approval shall indicate why the director concludes that the waiver will not compromise the public health, safety, or welfare, or the environment and that a candidate site for which a waiver is sought is an appropriate candidate site despite the site's inability to meet 1 or more of the criteria in section 11(3) of the low-level radioactive waste authority act. Prior to approving a waiver under this subdivision, the director shall forward the proposed approval and supporting documentation to the department of natural resources for review and written comments.

History: Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987;—Am. 1994, Act 435, Imd. Eff. Jan. 6, 1995.

Compiler's note: For transfer of powers and duties of radioactive materials program from department of health and human services to department of health and human services, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368