

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13716 Duties of department; issuance or denial of license; consultation; cooperation; assistance; exemption; effect of local requirements.

Sec. 13716. (1) Upon receipt of an application for a construction and operating license, the department shall do all of the following:

(a) Within 45 days, determine whether the application is complete. If the application is not complete, the department shall notify the authority of all deficiencies and request that the additional information that the department considers necessary to make the application complete be supplied by the authority within 15 days. If the authority is unable to supply the requested information within 15 days, the authority shall notify the department in writing of the reason for any delay and when the requested information will be forwarded.

(b) Immediately notify the local monitoring committee of the host site community, the governing body of the county in which the host site is located, and impacted state departments and agencies as determined by the department of the receipt of an application for a construction and operating license and the procedure by which the license may be approved or denied.

(c) Publish a notice in a newspaper that has statewide circulation, and a newspaper that has major circulation in the municipality in the immediate vicinity of the host site, and a newspaper that is circulated in the county in which the host site is located. The published notice shall contain a map indicating the location of the host site and shall contain a description of the host site and the location where the complete application package may be reviewed and where copies may be obtained. The notice shall describe the procedure by which the construction and operating license may be granted or denied. The director shall provide an opportunity for public comment at least 60 days before making a final decision to grant or deny an application for a construction and operating license.

(d) Along with other impacted state departments and agencies as determined by the department, review the entire application for a construction and operating license. The review shall include, but not be limited to, considerations pertaining to air quality, water quality, waste management, hydrogeology, and proposed waste transportation routes, and the protection of the public health, safety, and welfare, and the environment. The review shall be completed within 140 days after a complete application is received. Following the completion of the 140-day review, the department shall prepare a draft version of a construction and operating license that the department is considering issuing. Before the department prepares a draft construction and operating license, the department shall assure that all concerns expressed by the review board created in section 13 of the low-level radioactive waste authority act, the local monitoring committee of the host site community, the governing body of the county in which the host site is located, and impacted state departments and agencies during the review process are considered. A written and signed review by each person representing a department who reviews the application and plans shall be reviewed and recorded by the department before a draft license is prepared by the department. In addition, before a draft license is prepared, but following the completion of the 140-day review, the department shall prepare a responsive summary that describes any public comments received by the department and describes how those comments have been evaluated and addressed by the department.

(e) Insure that the draft construction and operating license, written and signed reviews, and the responsive summary provided for in subdivision (d) are submitted to impacted state agencies as determined by the director and to the department of environmental quality.

(2) The director shall make a decision to issue a construction and operating license or deny the application for a construction and operating license as soon as practicable but not later than 12 months after the receipt of a complete application that is in compliance with this part. If the director denies the authority's application for a construction and operating license, the director shall state his or her reason or reasons in writing. If the construction and operating license application meets the requirements of this part and the rules promulgated under this part, the department shall, after preparing a draft version, prepare and issue to the authority a construction and operating license.

(3) The departments of agriculture, natural resources, environmental quality, state police, the state transportation department, and other state departments and agencies shall consult and cooperate with the department in a timely manner in the review of an application for a construction and operating license. The department may also seek the assistance of any other person in evaluating the application for a construction and operating license and in the development of a draft or final construction and operating license, or both.

(4) Except as provided in this subsection, the issuance of a construction and operating license by the director pursuant to this part shall exempt the authority from obtaining other permits, licenses, or registrations which may be required under other applicable state laws, but shall not exempt the authority from meeting

other standards and requirements of applicable state laws or federal laws or from obtaining an operating license pursuant to part 111 (hazardous waste management) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws, before construction commences.

(5) A local ordinance or permit requirement or other local requirement shall not prohibit, restrict, or regulate the construction or operation of the disposal site.

History: Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987;—Am. 1996, Act 67, Imd. Eff. Feb. 26, 1996.

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