

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13713 Application for construction and operating license; additional information; nullification of contract; supplementing and keeping current information.

Sec. 13713.

(1) The application for a construction and operating license shall contain such additional information as may be required by the department, and shall disclose all of the following information regarding persons with whom the authority enters into agreements or contracts to prepare a construction and operating license for the disposal site or for the construction or operation of the disposal site, if known:

(a) The full name and business address of all of the following:

(i) Each person who enters into a contract to undertake a responsibility of the authority.

(ii) The 5 persons holding the largest shares of the equity in or debt liability of the person undertaking a responsibility of the authority. The director may waive all or any portion of this requirement for a person who is a corporation with publicly traded stock.

(iii) If known, the 3 employees of the person who contracts with the authority who will have the most responsibility for the day-to-day operation of the site.

(iv) Any other business entity listed in which any person listed in subdivisions (i) to (iii) has at any time had 25% or more of the equity in or debt liability of that business entity.

(b) A listing of all convictions for criminal violations of an environmental statute promulgated by a federal, state, Canadian, or provincial agency for each person required to be listed under this subsection. If debt liability is held by a chartered lending institution, information required in this subsection shall not be required from that institution.

(c) A listing of all civil judgments resulting from a violation of an environmental statute promulgated by a federal, state, Canadian, or provincial agency for each person required to be listed under this subsection. If debt liability is held by a chartered lending institution, information required in this subsection shall not be required from that institution.

(d) A listing of all environmental permits or licenses issued by a federal, state, Canadian, or provincial agency held by each person required to be listed under this subsection and a listing of any of those permits or licenses that were permanently revoked because of noncompliance.

(e) A listing of all activities at property owned or operated by each person required to be listed under this subsection, if the incident resulted in a threat or potential threat to the environment.

(2) Notwithstanding any other provision of law, the director may nullify a contract between the authority and a person who undertakes or may undertake a responsibility of the authority if there are any listings as originally disclosed or as supplemented pursuant to subsection (1)(b), (c), or (e) or subsection (1)(d) as it pertains to permits or licenses that were permanently revoked because of noncompliance.

(3) The authority shall have the continuous responsibility to supplement and keep current the information required in subsection (1). The authority shall provide the department with the information required in subsection (1) for persons with whom the authority enters into contracts following the original submittal of an application for a construction and operating license.

History: Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987

Compiler's Notes: 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