



Bob Wagner  
DEQ, Remediation Division  
989-705-3452  
[wagnerr1@michigan.gov](mailto:wagnerr1@michigan.gov)

## Remediation Division Update

---

### Part 201 – Environmental Remediation, 2010 Amendments

- Response Activity Plans (RAP)
- No Further Action (NFA) Reports
- 4 Cleanup Categories
  1. Residential
  2. Non-residential
  3. Limited residential
  4. Limited non-residential
- DEQ Review period
- Review Panel

### Part 213 – Leaking Underground Storage Tank, Proposed Amendments

- Part 213 separate and distinct from Part 201
- Free product defined as NAPL, DNAPL, LNAPL
  - Migrating NAPL
  - Mobile NAPL
  - Residual NAPL

DEQ may audit FARs and Closure Reports

- Allows for time extension for FAR and Closure Reports – extensions must be in writing
- Require the DEQ to determine if it will audit a report within 90 days, 180-day time frame for completion
- Allow the DEQ 270 days after the bill's effective date to selectively audit reports submitted within six months before
- Only allow the DEQ to audit a report once
- Consider a report approved if the DEQ did not perform an audit and provide a written response to the owner or operator
- Allow deficient reports to be re-submitted with only the deficiencies being reviewed; review must be done within 90 days
- Allow a denied report to be revised and resubmitted for approval; owner could petition the Response Activity Review Panel for review (owner pay \$300.00 Fee), or petition DEQ's Office of Administrative Hearings for a contested case hearing

Red tags – must notify o/o 15 days PRIOR to placing red tags on UST

No more QC/CP list

Prohibits the promulgation of rules to implement Part 213

DEQ guideline, bulletin, interpretive statement, operational memorandum, or form with instructions published would be advisory in nature and could not be given the force of law

Limits the use of state funds for corrective actions by department

## Collaborative Stakeholders Initiative (CSI)

### Recommendations to Part 201

- Brownfield Redevelopment
  - Amendment to Act 381
  - Expand eligible activities
  - Allow for increased local control
- Cleanup Criteria
  - Rely upon algorithms in rule
  - Update criteria periodically
- Due Care Obligations
  - Eliminate exemptions
  - Encourage site specific
  - Respond to Due Care plans timely when SBA loan
- Free Product/Source Removal/Csat
  - Utilize ASTM & IRTC guidance
  - Use risk management based approaches
  - Define primary source & secondary source
  - Use Part 213 approach to NAPL
- Groundwater Surface Water Interface (GSI)
  - Use EPA standards (200 ppt) for mercury in groundwater
  - Allow for compliance monitoring within sewers
- Part 201 Rules
  - Greater reliance on statute & guidance
  - Rescission of prescriptive rules
  - Emphasis on risk management approaches & CSM
  - Encourage self-implementation
- Vapor Intrusion
  - Create interagency/stakeholder work group
  - Develop guidance
  - Allow use of MIOSHA workplace standards where applicable

### Remediation Division Actions

- Moved review and approval to Field Offices
- No longer using USEPA effective solubility formulas for Csat criteria
- Establishing Technical Assistance & Support Teams both interagency and with stakeholder participation to develop future guidance
- Will consider NFAs for a portion of a facility
- Due Care Plans involved with SBA loans are reviewed within 45 days or less

### Resources

- Remediation Division [www.michigan.gov/deg](http://www.michigan.gov/deg) (Select Remediation Division tab)
- ASTM International [www.astm.org](http://www.astm.org)
- Interstate Technology & Regulation Council [www.itrcweb.org](http://www.itrcweb.org)