AIR QUALITY DIVISION

Recommendation A-5: Dispersion Modeling Guidance Document

A draft policy and procedure was presented to the Air Advisory Council (AAC) at their March 1, 2013; May 9, 2013; and January 29, 2014, meetings. On May 28, 2014, the AAC recommended additional meetings on the dispersion modeling policy to be held over the summer of 2014 and for this recommendation to be added to the October 29, 2014, AAC agenda.

Contact: Mary Ann Dolehanty at 517-284-6791 or dolehantym@michigan.gov

Recommendation A-12: Electronic Permit

Electronic permitting will be a discussion item at the October 29, 2014, AAC Meeting.

Recommendation A-15: Volatile Organic Compounds (VOC) Emissions from Pharmaceuticals

VOC emissions will be a discussion item at the October 29, 2014, AAC Meeting.

OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION

Recommendation RM-1: Liquid Industrial Waste Regulations

The Department of Environmental Quality (DEQ) has been discussing legislative changes to Part 121, Liquid Industrial Wastes, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The recommendations developed by the stakeholder workgroup will be transmitted to DEQ Director Dan Wyant.

Contact: Jack Schinderle at 517-284-6570 or schinderlej@michigan.gov

OFFICE OF OIL, GAS, AND MINERALS

Recommendation RM-9: Conformance Bond or Statement of Financial Responsibility Requirements for Mineral Well Operators

The Office of Oil, Gas, and Minerals (OOGM) developed a draft Memorandum of Understanding (MOU) that was sent to the U.S. Environmental Protection Agency (U.S. EPA) for review on May 23, 2013. The draft MOU was returned from the U.S. EPA to the DEQ’s OOGM on January 13, 2014. The OOGM has been working on further revisions and language changes with the U.S. EPA and their legal counsel and is currently awaiting return of the draft MOU. Once returned, depending on the DEQ’s concurrence that
the changes are agreeable, the DEQ will move toward upper management/Attorney General approval of the document.

Contact: Adam Wygant at 517-897-4828 or wyganta@michigan.gov

**REMEDICATION AND REDEVELOPMENT DIVISION**

**Recommendation R-2: Part 201/213 Vapor Intrusion Policy and Procedure**

Three of the four proposed solutions have been implemented. The Part 201/Part 213 (Leaking Underground Storage Tanks of the NREPA) Guidance Document for the Vapor Intrusion Pathway was finalized in May 2013 and posted to the Remediation and Redevelopment Division (RRD) Web site. This document allows for use of a conceptual site model. The RRD allows for data collection and evaluation processes consistent with the needs of business transactions, as described in recent presentations at various environmental professional workshops. The RRD has prioritized the collection of empirical data for Michigan sites, collaborating with practitioners and project managers to develop a database for future use. The RRD has engaged with stakeholders to evaluate vapor intrusion as related to the Cleanup Criteria Rules. The Criteria Stakeholder Advisory (CSA) Workgroup will develop recommendations to DEQ Director Wyant by December 2014.

Contact: Matt Williams at 517-284-5171 or williamsm13@michigan.gov

**Recommendation R-3: Revising Part 201 Cleanup Criteria**

**Background**

The Part 7 Cleanup Criteria Rules were rescinded on December 31, 2013. Taking their place are new criteria rules, numbered from R 299.1 to R 299.50, which became effective on December 30, 2013. A link to the new Environmental Contamination Response Activity Rules is available on the Remediation and Redevelopment Division Web site.

The Part 201 groundwater and soil cleanup criteria and screening levels, criteria footnotes, and the toxicological and chemical-physical properties of the hazardous substances are now located in the following rules:

- R 299.44 Generic groundwater cleanup criteria (Table 1)
- R 299.46 Generic soil cleanup criteria for residential category (Table 2)
- R 299.48 Generic soil cleanup criteria for nonresidential category (Table 3)
- R 299.49 Footnotes for generic cleanup criteria tables
- R 299.50 Toxicological and chemical-physical properties (Table 4)

As presented in the Cleanup Criteria Requirements for Response Activity Rules, some groundwater and soil cleanup criteria and screening levels were revised, as compared to the previous September 28, 2012, release of these tables under the Part 7 rules. These changes are noted in a document posted on the RRD Web site.

**Criteria Stakeholder Advisory Workgroup**

A CSA Workgroup was convened by the DEQ on March 26, 2014. The responsibilities of the CSA Workgroup include: developing guiding principles to serve as the basis for updating the existing criteria,
reviewing background white papers, reviewing reports of the technical groups, and making recommendations to the DEQ Director. The DEQ has hired Public Sector Consultants to facilitate the stakeholder process. Four technical subcommittees have also been appointed by the DEQ to assist the CSA Workgroup; the Technical Advisory Groups (TAGs) are evaluating physical-chemical parameters and toxicity data, exposure pathway assumptions, vapor intrusion, and addressing potential statutory concerns raised during the process. A Web page for information and status of the CSA Workgroup is available on the RRD Web site.

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Recommendation R-7b: Part 211-UST Regulations (REFERRED TO LARA)

Bureau of Fire Services is waiting for USEPA to update federal UST regulations before amending the state rules.

Recommendation R-7d: Compressed Natural Gas (CNG) Vehicular Fuel Systems (COMPLETED)

Effective October 13, 2014, R 29.4601 through R 29.4652 were rescinded, and R 29.4701 through R 29.4755 were added to adopt the National Fire Protection Association’s (NFPA) Pamphlet No. 52 entitled “Vehicular Gaseous Fuel Systems Code.”

Recommendation R-7f: Storage and Handling of Flammable and Combustible Liquids (COMPLETED)

Effective October 13, 2014, R 29.5101 through R 29.5516 rescinded, and R 29.5601 through R 29.5917 were added to adopt the NFPA’s Pamphlet No. 30 entitled “Flammable and Combustible Liquids (FL/CL) Code.”

Recommendation R-7g: Liquefied Petroleum Gas (COMPLETED)

Effective October 13, 2014, R 29.6001 through R 29.6097 were rescinded, and R 29.6101 through R 29.6156 were added to adopt the NFPA’s Pamphlet Number 58 entitled “Liquefied Petroleum Gas Code 2014 Edition.”

Recommendation R-7h: Storage and Handling of Gaseous and Liquefied Hydrogen Systems (REFERRED TO LARA)

Bureau of Fire Services is waiting for the promulgation of a NFPA Pamphlet.

Recommendation R-8: Definition of Background Concentrations for Hazardous Substance in Soil and Groundwater.

Act 446 amended Part 201 by amending the definition of “Background Concentration.” A policy on appropriate use of the Michigan Background Soil Survey has been drafted and is near completion. In addition, a student has been hired to research background soil concentration data within existing site files to expand the dataset. The data are undergoing statistical analysis to determine the appropriate background concentration levels for various soil types specific to glacial lobes. This effort will be completed in the fall of 2014.

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Recommendation R-14: Boron Standard for Groundwater

The RRD attempted to update the exposure assumptions and toxicity data through stakeholder engagement in 2012 and 2013; however, consensus was not achieved. The RRD has re-engaged with stakeholders to review the physical-chemical properties, toxicity endpoints, and exposure assumptions as related to the Cleanup Criteria Rules. The CSA Workgroup will develop recommendations to Director Wyant by December 2014. Boron is one of the hazardous substances included in the criteria and will be addressed as a part of the review.

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WATER RESOURCES DIVISION

Recommendation W-1: Part 5 – Spillage of Oil and Polluting Material Rules

Stakeholders have met on May 3, 2013; May 16, 2013; May 30, 2013; June 13, 2013; June 27, 2013; July 11, 2013; July 25, 2013; August 8, 2013; August 22, 2013; and September 12, 2013, to discuss changes to the rules. Whether changes will be made in rules or statute needs to be determined. The DEQ has reviewed the final two issues and developed solutions. We are now in the process of reconvening the stakeholder group to review these proposed solutions.

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OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE

Recommendation W-17: Safe Drinking Water – Cross Connection Inspections of Residential, Commercial, and Industrial Properties

On February 13, 2013, the U.S. EPA published the revised total coliform rule that will require the DEQ to make additions and changes to Parts 1-28, Supplying Water to the Public Rules, of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. Recommendation W-17 will also be addressed in these rule changes. Stakeholders met on December 17, 2013, and June 27, 2014, to discuss the Part 14, Cross Connection Rules. The draft rules include a provision allowing backflow preventers installed on any lawn irrigation system to be tested once every five years in certain situations. The draft rules package should be submitted to the ORR in the fall of 2014. It will then have to go through the formal rulemaking process, including a public comment period and public hearings.

House Bill 5317 was introduced by Representative Michael McCready. An amendment was adopted in the House that changed the proposed inspection frequency from no more than once every 3 years to no more than once every 10 years unless the system contains chemical injection or the backflow preventer has undergone repair. The bill is currently in Senate Regulatory Reform Committee. It is our understanding that if Bill 5317 is actioned upon in the Senate, Rep. McCready has agreed to change the frequency of testing of backflow preventers on untreated, residential lawn irrigations systems to no more than once every 5 years. The DEQ will continue discussions with the bill sponsor and work to find an agreeable compromise between parties.

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