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<tr><td>DEQ</td><td colspan="2">REMEDIATION DIVISION
POLICY AND PROCEDURE</td><td>DEPARTMENT OF
ENVIRONMENTAL QUALITY</td></tr>
<tr><td rowspan="3">Original Effective Date:
August 31, 2012

Revised Date:</td><td colspan="2">Subject: Peer Review Procedure</td><td rowspan="3">Category:
☒ Internal/Administrative
☐ External/Non-Interpretive
☐ External/Interpretive</td></tr>
<tr><td colspan="2">Program Names:
Part 201 and 213 Programs</td></tr>
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

One of the principal functions of the Field Operations Section is to provide compliance monitoring and assistance to parties performing response activities under Part 201, Environmental Remediation, and Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). This is most often accomplished when field staff in district offices (Environmental Quality Analysts, Geologists, and Engineers, collectively referred to as Project Managers) complete a review of work plans and reports that were submitted by parties regulated under Part 201 or Part 213 of the NREPA. At times, the advisory input of division Technical Assistance and Program Support (TAPS) teams is needed for the project manager to complete their analysis of the merits of the document under review from a technical, regulatory, and policy perspective. The division then routinely concludes the analysis of the work plan or report through a peer review session.

Peer review is a deliberative practice conducted at the district level where a project manager's professional peers assist in rendering the Division's determination on a work plan or report submitted to that office. This is accomplished through a meeting where the project manager, several peers, and the district supervisor review the merits of the document with the district supervisor having the authority to render the final decision. The assistance and input of the party proposing the work plan or report may be sought concurrent with this process to assure that staff has a complete understanding of the party's reasoning behind the conclusions contained in the document. It is encouraged to invite the external parties to attend a peer review meeting to personally present their proposals/reports. The objective of this process is to facilitate consistent decision making in a manner that promotes the application of best professional judgment, sound science, continuous learning, and transparency to the regulated community.

The purpose of this procedure is to describe steps that will be taken to complete the peer review process when it is needed to determine the adequacy of certain documents submitted to the district offices. These circumstances include review of a Response Activity Plan or No Further Action (NFA) Report under the Part 201 program, a Final Assessment Report (FAR) or Closure Report under the Part 213 program (all now collectively referred to as Documents). Please note this does not include instances where Response Activity Plans or NFAs are submitted with proposed post closure agreements. Compliance and Enforcement (C&E) Section takes the lead role in reviewing post closure agreements and does not function as a TAPS team in these circumstances. Project managers must contact their District Enforcement Coordinator within

14 days of receipt of such a document so a review timeline can be established. The final review of the adequacy of the document, however, will still be completed through a peer review session in the district with staff of the C&E Section participating.

Please also note that Response Activity Plans for investigation and Initial Assessment Reports are not routinely reviewed under this procedure unless requested by the project manager. A project manager may access the peer review process at any time for assistance with a technical or policy matter.

AUTHORITY:

Sections 20114b, 20114d, 21308a, and 21315 of the NREPA provide the department the authority to review the adequacy of work plans and reports submitted under the Part 201 and Part 213 programs. There is no prescribed method in Part 201 and Part 213 to accomplish this task.

POLICY:

The RD will follow the procedures detailed below to complete the peer review process. Superfund Section will also follow this procedure for matters pertaining to Part 201 and Part 213 programs, using Superfund Section staff versus district staff.

PROCEDURES:

Who	Does What
Project manager review of Documents and input from TAPS teams	
Project Manager	Gains thorough knowledge of the Document through their review along with pertinent file materials. Based on this thorough understanding, consults with district supervisor to determine if the assistance of any TAPS team is needed for the department to render a decision on the adequacy of the Document. Members of TAPS teams may also be consulted in making this decision.
District Supervisor	Makes the final determination whether the assistance of a TAPS team is needed.
Project Manager	If the assistance of any TAPS team will be requested, works with team members to compile the information needed to address the project manager's specific questions. This must be submitted to the TAPS team no later than 90 days prior to the statutory due date for department review of the Document (Decision Deadline) in either the Part 201 or Part 213 programs. If the Document is an amended FAR or Closure Report as defined in the Part 213 program, information will be submitted to the TAPS teams 60 days prior to the Decision Deadline.

Who	Does What
TAPS Teams	Completes the review of supplied information and provides answers to the project manager's specific questions within 30 days of receipt of the information. If the information pertains to an amended FAR or Closure Report under the Part 213 program, answers will be provided within 20 days of receipt. If additional time is needed due to the complexity of the issues covered, an alternate schedule can be established through agreement between the TAPS team leader, the project manager, and the district supervisor provided it will not hinder the department's ability to meet the Decision Deadline. The nature of the output (e-mail versus interdepartmental memo) and the breadth of team member involvement (i.e. full team member participation versus one team member answering the questions) will be determined through internal procedures set for each TAPS team.

Who	Does What
Scheduling and preparation of supporting documentation for the district peer review meeting	
Project Manager	Contacts district secretary or designee to request a peer review meeting. The date of the meeting will be at least 30 days prior to the Decision Deadline.
District Secretary (or other designee)	Schedules the meeting via Outlook with the following district staff typically participating: project manager, district supervisor, geologist, and enforcement coordinator. The participation of a TAPS team member will also be scheduled if they assisted with the project and additional input is needed. The title of the peer review meeting set on the Outlook calendar will contain the site name, program, type of document, and other key identifiers (i.e. work plan for AS/SVE, Restricted Closure, and Due Care).
Project Manager	Completes the peer review documentation and supplies it to all parties participating in the meeting a minimum of three business days prior to the date of the meeting. Peer review documentation consists of a completed peer review form (including attachments required by the form), and any written guidance provided by a TAPS team. The most current versions of the peer review form and attachments are located on the Lansing shared drive under Field Operations Section/Peer Review/Peer Review Templates and are also attached.
District Peer Review Participants	Review the materials supplied by the project manager prior to the peer review meeting.
District Supervisor	Follows up with project manager to correct any deficiencies identified in the materials prior to the peer review meeting if they will inhibit a meaningful discussion of the merits of the Document being reviewed.
Project Manager	Corrects any deficiencies identified in the prepared materials prior to the peer review meeting and produces amended ones to be used at the meeting.

Who	Does What
Conducting the district peer review meeting	
Project Manager	Provides a verbal summary of the nature and extent of the release, a history of response activities taken to date, and pertinent site features. The project manager will then describe in detail the response activities or closure proposed and answers any questions from participants in the peer review session. This portion of the meeting may also include presentation by and participation of the submitter.
Peer Review Participants	Discuss the merits of the Document from a technical, regulatory, and policy standpoint. Develop a consensus on the merits of the Document by the end of the peer review meeting. If the Document is found to be deficient, develop a specific list of activities that need to be conducted to correct identified deficiencies and, if applicable, identify specific items in the Document that cannot be adequately reviewed until the deficiencies are corrected.
District Supervisor	Acts as the facilitator at the meeting to develop consensus and makes the final determination on the adequacy or specific deficiencies in the Document.
Project Manager	Assures that written documentation is gathered at the meeting on decisions made so this can be incorporated into the peer review materials prepared. After the materials have been updated, the project manager secures the signature of all parities involved at the meeting.

Who	Does What
Input from executive management	
District Supervisor	At the end of the district peer review meeting, determines if the extenuating factors merit presenting the document to division executive management before a final determination is rendered. Factors that will be considered include: • The likelihood a determination that the Document is deficient will be appealed to the Response Activity Review Panel or through a contested case hearing. • The district's decision on the adequacy of the Document significantly varies from established policy or guidance and will be precedent setting for the division. If a meeting with executive management is arranged, the meeting will be conducted in a similar fashion to the district peer review meeting and with the following participants: Division Chief and/or the Assistant Division Chief, Field Operations Section Chief, and/or Field Operations Specialist, District Supervisor, Project Manager, Geologist, and any TAPS team members that participated in the district peer review meeting.
Project Manager	Upon direction from the district supervisor that a meeting with executive staff is needed, contacts the secretary for the Division Chief and/or the Assistant Division Chief to schedule the meeting and provides the

Who	Does What
	secretary a list of participants. The meeting will be held a minimum of 15 days prior to the Decision Deadline.
Project Manager	Provides updated materials to all participants a minimum of three business days in advance of the meeting.
Executive Management Meeting Participants	At the meeting, examine the technical or policy questions at hand and develop a consensus on the division's best response to the Document submitted.
Division Chief and/or Assistant Division Chief	Acts as the facilitator at the meeting to develop consensus and makes the final determination on the adequacy or specific deficiencies in the Document.
Project Manager	Assures that written documentation is gathered at the meeting on decisions made so this can be incorporated into the peer review materials prepared. After the materials have been updated, the project manager secures the signature of all parities involved at the meeting.

Who	Does What
Documentation of the outcome of the peer review process	
Project Manager	Assures that the materials prepared for the district peer review meeting (and possibly the meeting with executive staff) are incorporated into the site file. This includes the final recommendations and staff signatures. Prepares a draft compliance communication or audit letter that reflects the outcome of the peer review process, which is forwarded to the district supervisor. This will be completed no later than ten days prior to the Decision Deadline. Provides informal notification to the submitter of the compliance communication prior to their receipt of the compliance communication.
District Supervisor	Reviews the draft compliance communication for completeness, working with the project manager to rectify any deficiencies. Forwards completed compliance communication to the district secretary for formatting no later than seven days prior to the Decision Deadline.
District Secretary	Assures the compliance communication is grammatically correct and constructed according to department guidelines. Either prints the communication for district signature pursuant to the division's delegation authority or forwards it to the secretary for the Assistant Division Chief if a higher level signature is required. This will be completed no later than five days prior to the Decision Deadline.
Executive Secretary	Checks compliance communication for proper formatting and assures the Division Chief and/or the Assistant Division Chief or designee signs it before the Decision Deadline.

Who	Does What
Coordination with the Compliance and Enforcement Section (C&E) for entry of a Postclosure Agreement as part of the NFA Report approval process	
Project Manager or District Enforcement Case Coordinator	Within 14 days of submittal of a No Further Action Report that requires entry of a Postclosure Agreement pursuant to 20114d of Part 201, makes a request to the C&E Section for review and entry of a Postclosure Agreement for the No Further Action Report submittal. Along with the request, provides all submitted components required for the postclosure agreement (agreement, postclosure plan, and proposed financial assurance mechanism or determination why a FAM is not required) and all other pertinent information required for review of the postclosure agreement.
C&E Section	Within 45 days of receipt of request, makes a determination whether or not the postclosure agreement can be entered as submitted. If not, compiles a list of items that need to be addressed before it can be entered. Provides determination and/or list of specific items that need to be addressed to the Project Manager and District Enforcement Coordinator.
Project Manager or District Enforcement Case Coordinator	In consultation with the C&E Section staff, determines whether or not it is necessary for the C&E Section staff to participate in the Peer Review Meeting in order to adequately address any issues regarding the Postclosure Agreement.
C&E Section	In consultation with the Project Manager and District Enforcement coordinator, works directly with the submitting party to resolve any issues regarding the postclosure agreement requirements. Determines if it is necessary to request an extension to the timeframe for review of the No Further Action Report to addresses any issues regarding the Postclosure Agreement. If necessary, makes the request to the submitting party.
Project Manager or District Enforcement Case Coordinator	Informs C&E Section staff regarding the status of the technical review and whether or not the No Further Action Report will be approvable based on its technical merits. If intent is to approve, drafts approval letter and forwards draft to C&E Section staff at least 21 days prior to deadline for review of the No Further Action Report.
C&E Section	Attains RD management approval for entry of the Postclosure Agreement Obtains signatures from submitting party and RD management for execution of the Postclosure Agreement. Sends out approval letter and executed copies of Postclosure Agreement indicating final approval of the No Further Action Report.

Who	Does What
Stakeholder involvement	
Project Manager	Prior to the district peer review meeting, identifies a circumstance where an open fact finding discussion with the party that submitted the Document will help staff understand its full merits. This may be due to the project manager's own initiative as a means to address concerns already identified or through a request by the party that submitted the Document. Contacts the district supervisor to discuss the possibility of arranging this meeting concurrent with the peer review process. This is conducted with sufficient lead time so the party's participation can be scheduled immediately prior to the peer review meeting.
District Supervisor	Determines if stakeholder involvement will be beneficial in each circumstance.
Project Manager	If directed by the district supervisor, contacts the party that submitted the Document relaying an invitation to discuss its merits and any concerns or questions identified. If the party accepts the invitation, the project manager will schedule time to meet immediately prior to the peer review meeting. Any concerns or questions already identified by the project manager will be relayed to the party a minimum of one week prior to the meeting.
District Peer Review Members	All staff scheduled to participate in the peer review meeting will make their best effort to participate in the meeting with the party that submitted the Document.
Project Manager	Leads the discussion at the meeting with the party that submitted the Document assuring that all questions or concerns are addressed to the fullest extent possible. Contacts the party after the peer review meeting is completed to informally relay the results of the process.

Who	Does What
Information sharing and collaboration between district offices	
District Supervisor	Participates in a minimum of three peer review sessions per year with other districts. Assures peer review sessions in own district are accurately depicted on their Outlook calendar so this information will be available to other district supervisors. If an alternate method will be used to relay this information to the other district supervisors, this will be done through the approval of the Field Operations Section Chief.

Who	Does What
District Supervisor	Assures that the division's spreadsheet documenting key issues addressed at each peer review meeting and the end result is maintained. The spreadsheet is located on the Lansing shared drive under Field Operations Section/Peer Review/Peer Review Spreadsheet.
District Supervisor	Assures that all letters generated through each peer review meeting are saved as pdf files on the Lansing shared drive under Field Operations Section/Peer Review/Peer Review Letters. If no letter is generated, the materials prepared by the project manager for the peer review meeting will be saved as pdf files on the share drive.
District Supervisor	Discuss notable policy or technical matters addressed at peer review meetings at the monthly district supervisor meeting.
Field Operations Supervisor	Intermittently participates in district peer review meetings. Monitors correspondence and forms generated through the peer review process and follows up with the district supervisors when significant inconsistencies are encountered.

APPROVAL:

A. P. Couture 9-4-12

Anne P. Couture, Acting Chief, Remediation Division Date