

Blue Book

**Department of Environmental Quality
Office of Oil, Gas, and Minerals**

08 - Delegation Letters

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-615-01
Effective Date: October 1, 1995
Revised Date: February 10, 2006

Current Letter No.: ERMD-OGS-615-01
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 615, Supervisor of Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Designate the Director of the Office of Geological Survey (OGS) as the Assistant Supervisor of Wells

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 615, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 615 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Approve the secondary recovery methods of oil and gas, including the pulling or creating of a vacuum, the introduction of gas, air, water, and other substances into the producing formations.	MCL 324.61506(i)	OGS Director
2. Issue Certificates of clearance or tenders.	MCL 324.61506(m) MCL 324.61514	OGS Director
3. Notify the owner or operator of any violation identified during an inspection.	MCL 324.61506a	Professional Field Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
4. Grant waiver from requirement for 450-foot building setback in city or township with population of 70,000 or more based on owners' consent.	MCL 324.61506b	District Supervisor
5. Grant waiver from requirement for 450-foot building setback in city or township with population of 70,000 or more based on hearing.	MCL 324.61506b	OGS Director
6. Prorate or distribute allowable production within a field or pool to prevent or minimize drainage.	MCL 324.61513(1)	OGS Director
7. Approve exceptions to spacing.	MCL 324.61513(5)	OGS Director
8. Set minimum production allowable.	MCL 324.61513(7)	OGS Director
9. Issue notices of determination.	MCL 324.61519	OGS Director
10. Seize illegal oil or gas, oil or gas products, conveyances and containers.	MCL 324.61523	OGS Director
11. Estimate the total production and gross cash value of all oil and gas produced in the state for the purpose of establishing the surveillance fee rate.	MCL 324.61524	OGS Director
12. Receive and accept application to drill and operate oil and/or gas wells, issue permits, and provide certain information to counties, cities, villages, and townships.	MCL 324.61525	Professional Staff of Permits and Bonding Unit
13. Receive application for permit to drill and operate oil and/or gas wells.	R 324.201(2)(d) and (g) R 324.210	Professional Staff of Permits and Bonding Unit
14. Prescribe forms for application for permit.	R 324.201(2)(c),(d), and (f)	Professional Staff of Permits and Bonding Unit
15. Determine if an application is accurate and complete; notify applicant if incomplete.	R 324.201(4)	Professional Staff of Permits and Bonding Unit
16. Issue or deny a permit to drill and operate or to deepen.	R 324.201(4) R 324.202(1) R 324.206(2)(b) R 324.206(3)(a) R 324.206(4)	Professional Staff of Permits and Bonding Unit
17. Issue verbal approval to directionally redrill.	R 324.202(2)	Professional Staff of Permits and Bonding Unit; Professional Field Staff
18. Issue verbal approval to skid rig.	R 324.203(2)	Professional Staff of Permits and Bonding Unit; Professional Field Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
19. Authorize changes to the method of drilling, casing and sealing programs, or other conditions of the permit after commencement of drilling.	R 324.206(3)(b)	Professional Staff of Permits and Bonding Unit; Professional Field Staff
20. Approve change of well status.	R 324.206(5) R 324.511	Professional Field Staff
21. Approve or deny transfer of permit.	R 324.206(6)	Professional Staff of Permits and Bonding Unit
22. Order immediate suspension of operations due to failure to transfer permit.	MCL 324.61506(l) R 324.207	OGS Director
23. Grant temporarily abandoned status – initial term.	R 324.209 R 324.808 R 324.903(2)	District Supervisor or Field Operations Supervisor
24. Require updated report of financial assurance.	R 324.210(7)	Supervisor, Permits and Bonding Unit
25. Order immediate suspension of operations for failure to provide an adequate surety, security, or cash bond.	MCL 324.61506(p) R 324.210(7) R 324.213(2)	OGS Director
26. Require additional bonds.	R 324.210(8)	OGS Director
27. Invoke bond.	R 324.211(2)	OGS Director
28. Release bond.	MCL 324.61506(p) R 324.215	Professional Staff of Permits and Bonding Unit
29. Notify surety and permittee of bond release and return bonds.	R 324.216(1)	Professional Staff of Permits and Bonding Unit
30. Grant exceptions to spacing or establish special spacing, pursuant to a hearing.	R 324.301(2)(a) R 324.302	OGS Director
31. Approval to pool or communitize tracts and abrogate spacing.	R 324.301(2)(d) R 324.303(2)	OGS Director
32. Authorize spacing exceptions without a hearing for environmental reasons.	MCL 324.61506(j) R 324.301(1)(b)(ii)	OGS Director
33. Grant exception to well location within 300 feet of water well or residence with consent of owner.	MCL 324.61506(j) R 324.301(2)(b)	Professional Staff of Permits and Bonding Unit
34. Form development unit from two or more drilling units.	R 324.303(3)	OGS Director
35. Form units or Uniform Spacing Plans (USPs) by compulsory pooling.	MCL 324.61513(4) R 324.304 R 324.1206(4)	OGS Director
36. Receive drilling notifications.	R 324.402	Professional Field Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
37. Collect and store reports, maps, logs, well samples, and drilling, testing, and operating records.	MCL 324.61506(d) R 324.403(2)(d) R 324.416–R 324.419 R 324.421 R 324.610 R 324.705(3)(d)(iii) R 324.806 R 324.807(2) R 324.902(10)(e) R 324.902(10)(f) R 324.903(1) R 324.1002(8) R 324.1007(1) R 324.1008 R 324.1105 R 324.1110 R 324.1117(2) R 324.1118	Professional Staff
38. Approve sources of water for drilling fluids.	R 324.405	Professional Field Staff
39. Approve alternative blowout preventer systems.	R 324.406(1)(a)	District Supervisor
40. Request blowout prevention equipment testing and notification.	R 324.406(4)	Professional Field Staff; District Supervisor
41. Grant request to modify fluid monitoring system.	R 324.406(5)	District Supervisor
42. Grant exception to blowout preventer (BOP) requirements for shallow low-pressure formations.	R 324.406(6)	District Supervisor
43. Prohibit drilling mud pit if it causes waste.	R 324.407(1)	District Supervisor
44. Approve on-site location of mud pit.	R 324.407(2) R 324.407(4)	Professional Field Staff
45. Grant exception to the requirement for use of tanks while drilling in residential area.	R 324.407(3)	Field Operations Supervisor
46. Approve methods for pit solidification.	R 324.407(4)(b)	OGS Director
47. Approve off-site location of mud pit.	R 324.407(4)(d)	District Supervisor
48. Approve mud pit liner and cover material.	R 324.407(6)(a) R 324.407(9)(e)	OGS Director
49. Approve pit disposal of drilling muds below base of Detroit River Anhydrite that contain weighting materials or lost circulation materials.	R 324.407(7)(b)(v)	District Supervisor
50. Approve alternative pit stiffening process.	R 324.407(9)(b)	District Supervisor
51. Approve sealing of surface casing annulus if cement falls back.	R 324.408(2)	Professional Field Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
52. Approve well control equipment on cable tool wells.	R 324.409	District Supervisor
53. Require extra string of casing.	R 324.410(2)	District Supervisor, Professional Staff of Permits and Bonding Unit
54. Grant exceptions to minimum hole sizes.	R 324.410(4)	Supervisor, Geological Services Section
55. Approve alternative to cement bond log.	R 324.413(h)	OGS Director
56. Approve exceptions to use of American Petroleum Institute (API) spec wellhead equipment.	R 324.413(i)	District Supervisor
57. Grant alternatives to requirements for BOPs, pits, casing, cementing, drilling beneath gas storage reservoirs in R 324.406 - R 324.413.	R 324.414	OGS Director
58. Request service company records.	R 324.416(2) and (3) R 324.419(2) R 324.902(10)(e) and (f)	Professional Staff
59. Request drilling samples, cores, or core samples.	R 324.417(2), (3), and (4)	Professional Staff of Petroleum & Mining Geology Unit
60. Request elevation of top of cement be measured.	R 324.418(a)(vii)	District Supervisor
61. Approve material other than cement for sealing cellars and rat and mouse holes.	R 324.422(2)	OGS Director
62. Grant exception to surface facility location within 330 feet from water well or structure with consent of owner.	R 324.504(3)(a)	Professional Staff of Permits and Bonding Unit
63. Grant exception to surface facility location within 330 feet from water well or structure after hearing.	R 324.504(3)(b)	OGS Director
64. Grant approval of installation of surface facilities and flow lines, not part of application for permit.	R 324.504(4) and (5)	District Supervisor
65. Approve of power sources other than electrical for pump jacks in residential zoning.	R 324.505(a)	District Supervisor
66. Approve surface facility and/or flare stack for hydrogen sulfide (H ₂ S) wells in residentially zoned areas, after hearing.	R 324.506(1)(b)	OGS Director
67. Approve surface facility and/or flare stack for H ₂ S wells in residentially zoned areas for test period.	R 324.506(2)	OGS Director
68. Allow multiple zone completions.	R 324.508	Supervisor, Permits and Bonding Unit; District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
69. Approval of commingling from two or more pools.	R 324.509	Supervisor, Petroleum & Mining Geology Unit
70. Approve design, operation, and modification of central production facility.	R 324.510(1) and (2)	Staff, Petroleum & Mining Geology Unit
71. Establish prorated allowables following a hearing.	MCL 324.61512 R 324.601(1)	OGS Director
72. Approval to make up underages or correct overages of allowable production.	R 324.602(2) and (3)	Supervisor, Petroleum & Mining Geology Unit
73. Approval of alternative measurement and allocation methods for production from prorated wells.	R 324.604	Supervisor, Petroleum & Mining Geology Unit
74. Require capacity tests for prorated wells.	R 324.605(1) R 324.607	Supervisor, Petroleum & Mining Geology Unit
75. Require subsurface pressure, gas-oil ratio and other tests.	R 324.609	Supervisor, Petroleum & Mining Geology Unit
76. Approve extension of time or exemption from monthly reporting of oil and/or gas production.	R 324.610	Supervisor, Petroleum & Mining Geology Unit
77. Hold meetings and issue orders of determination for a change in field allowables.	R 324.611	OGS Director
78. Approves manner of storage, transportation, and disposal of wastes.	R 324.701	OGS Director
79. Grant a temporary exception to allow disposal of fluid wastes in annular space.	R 324.704	OGS Director
80. Approve disposal methods for brine.	R 324.705(3)	OGS Director
81. Approve brines for alternative use.	R 324.705(3)(d)	Supervisor, Petroleum & Mining Geology Unit
82. Collect data to make inspections, studies, and investigations; examine properties, leases, papers, books and records as necessary to the purposes of this part; examine, check, and test and gauge oil and gas wells and tanks, plants, refineries, and all means and modes of transportation and equipment; provide for keeping of records and making of reports and checking the accuracy of records and reports.	MCL 324.61506(b) R 324.705(4) R 324.1002(9) R 324.1115(3) R 324.1117(1)(f) R 324.1118(3) R 324.1122(6)	Professional Staff and Paraprofessional Staff
83. Grant authority for 30-day injection test.	R 324.802	Professional Staff of Petroleum & Mining Geology Unit; District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
84. Receive notification of Mechanical Integrity Test (MIT) of injection well; receive and evaluate MIT results; approve injection.	R 324.803(2)	Professional Staff of Petroleum & Mining Geology Unit
85. Receive notification of 5-year MIT of injection well; request copy of test results.	R 324.805(2)	Professional Field Staff, Professional Staff of Petroleum & Mining Geology Unit
86. Approve alternative MIT methods.	R 324.805(3)	OGS Director
87. Prescribe forms for reporting injection data; establish frequency of reporting for brine disposal wells.	R 324.806(1)	Professional Staff of Petroleum & Mining Geology Unit
88. Receive reports of injection data; approve resumption of injection if annual summary report is not timely filed.	R 324.806(2)	Professional Staff of Petroleum & Mining Geology Unit
89. Receive verbal notification of loss of mechanical integrity of an injection well.	R 324.807(1)	Professional Field Staff
90. Receive written notice of loss of mechanical integrity of an injection well; approve change of well status if required for repair.	R 324.807(2)	Professional Field Staff
91. Issue plugging instructions.	R 324.901 R 324.902	Professional Field Staff
92. Require proof that well has been economically produced.	R 324.903(1)	District Supervisor, Compliance Coordinator
93. Grant temporarily abandoned status – beyond initial term.	R 324.903(3)	OGS Director
94. Approve exceptions to 75-foot cleared radius around well sites and surface facilities.	R 324.1001	District Supervisor
95. Require surface facilities to be upgraded to current standards if substantially reconstructed.	R 324.1002(1)	District Supervisor
96. Approve or disapprove secondary containment plans and modifications.	R 324.1002 (2) and (5)	District Supervisor
97. Approve or require alternate pressure testing or leak detection methods for buried facility piping.	R 324.1002(3)(l)(iii)(G)	OGS Director
98. Approve buried piping location identifying markers.	R 324.1002(3)(l)(iv)	District Supervisor
99. Approval of well site restoration.	R 324.1003	Professional and Paraprofessional Field Staff
100. Require installation of fences, gates, or other safety measures.	R 324.1004	District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
101. Require immediate corrective action or suspension for not more than 5 days of any operation that is determined to be a violation if there exists a threat to public health or safety.	MCL 324.61506(q) R 324.1014(1) R 324.1301(b)	District Supervisor
102. Issue an emergency order.	MCL 324.61516(1) R 324.1014(2) R 324.1211	OGS Director
103. Require a permittee to collect decibel readings; require appropriate noise control measures if nuisance noise exists.	R 324.1015(2)	Professional Field Staff
104. Approve alternative sound abatement plans for compressors.	R 324.1016(3)	District Supervisor
105. Require submittal of information to determine applicability of H2S rules.	R 324.1105(6)	Professional and Paraprofessional Staff
106. Grant exception to the setback distance for surface facilities for a Class II, III, or IV H2S well upon consent of the landowner.	R 324.1106(2)	District Supervisor
107. Grant exception to the setback distance for surface facilities for a Class II, III, or IV H2S well pursuant to a hearing.	R 324.1106(2)	OGS Director
108. Require relocation of existing facility for H2S well not meeting setback requirements if substantially reconstructed.	R 324.1106(3)	District Supervisor
109. Require submittal of part 1 of H2S contingency plans; require periodic updates.	R 324.1110(4)	Supervisor, Permits and Bonding Unit
110. Grant an exception to the requirement to prepare a map and list of residences for an H2S contingency plan.	R 324.1110(5)	Professional Staff of Permits and Bonding Unit
111. Require additional H2S safety equipment if necessary for the safety of the public or the workers.	R 324.1112(2) R 324.1115(7) R 324.1117(1)(d)(v) R 324.1128(c)	District Supervisor
112. Approve procedure for determining H2S content of gas.	R 324.1116(1)(c) and 2(b) R 324.1117(2)	District Supervisor
113. Grant exceptions to H2S requirements for initial testing when not necessary for safety of the public or workers, or to prevent nuisance odors.	R 324.1117(5)	District Supervisor
114. Require periodic gas analyses to determine H2S concentration.	R 324.1118(1) and (2)	Professional Staff of Petroleum & Mining Geology Unit

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
115. Require additional fencing at storage vessel for an H2S well if a threat to public safety exists.	MCL 324.61506(s) R 324.1122(3)	District Supervisor
116. Prohibit venting of vapor to the atmosphere if chronic nuisance odor results.	R 324.1122(4)	District Supervisor
117. Require use of a tank gauging system that does not require opening tank hatches if chronic nuisance odor results.	R 324.1122(6)	District Supervisor
118. Require additional fencing if a threat to public safety exists due to emissions from incinerator or flare.	R 324.1123(2)	District Supervisor
119. Require flare stack or incinerator stack more than 20 feet high if threat to public health or safety exists.	R 324.1123(3)	District Supervisor
120. Grant exception for requirement for line conveying gasses or vapors from relief valve to incinerator or flare.	R 324.1124	Field Operations Supervisor
121. Rescind allowance for truck vapor vent lines if they result in nuisance odors.	R 324.1126(2)	District Supervisor
122. Grant exceptions to R 324.1119 to R 324.1123, R 324.1125, R 324.1126, and R 324.1127 (painting, kill switches, warning signs, flow line markers, containment, venting, flaring, shut-in systems, vapor return lines, emergency relief valves) when not necessary for safety of public or workers, or when nuisance odors not likely.	R 324.1127(2)	Field Operations Supervisor
123. Approve alternate means of disposal of H2S gas if it prevents waste and does not cause unnecessary endangerment of public health, safety, and welfare.	R 324.1129(1)(e)	OGS Director
124. Require numerical modeling to determine concentration of H2S in ambient air; determine if nuisance odor exists; and require appropriate emission control measures and timetable for installation.	R 324.1129(2)	OGS Director
125. If existing structure, area maintained for public recreation, or highway falls within 100 parts per million (ppm) radius of exposure for class I or class II H2S flow line or gathering line, approve construction and operation plan to reduce potential for public exposure to H2S.	R 324.1130(3)(b)	District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
126. Initiate, schedule, and provide notice of hearings; direct service of notice; expand scope of hearing; schedule prehearing conference; return deficient petition; designate type of hearing; enter stipulations; provide form for estimated costs of drilling, completing, and equipping a well; issue orders.	MCL 324.61506(b) MCL 324.61507 R 324.1201 R 324.1202 R 324.1203 R 324.1204 R 324.1205 R 324.1206 R 324.1208 R 324.1210	OGS Director
127. Issue subpoenas; quash, modify, or condition subpoenas; compel compliance with subpoenas.	MCL 324.61509 MCL 324.61510 R 324.1207(1) and (2)	OGS Director
128. File an administrative complaint with the Supervisor of Wells.	R 324.1210(1)	Compliance Coordinator
129. Enforce rules and issue orders, determinations, and instructions that do not establish new policy to enforce statute provisions and rules to carry out the purposes of this part.	MCL 324.61506(a) MCL 324.61506(o) MCL 324.61507 R 324.1301(a)	OGS Director
130. Order immediate suspension of operation and prompt correction of any condition when a violation exists that causes or threatens to cause waste.	MCL 324.61506(l) R 324.1301(b)	OGS Director
131. Approve exceptions to no flare.	Order No. 3-71	Professional Staff of Petroleum & Mining Geology Unit
132. Require additional cement.	Order No. 2-73, Item 2	Professional Field Staff; Professional Staff of Permits and Bonding Unit
133. Approve exceptions to or make additional casing and sealing requirements.	Order No. 2-73	Professional Field Staff; Professional Staff of Permits and Bonding Unit
134. Hold meetings and issue orders of determination for expeditious depletion of a reservoir.	Order No. 1-78	Supervisor, Technical Services Section
135. Approve use of certain hydrogen sulfide bearing brines for drilling and workovers.	June 2, 1982, amendment to Order No. 1-81	District Supervisor
136. Approve new materials to be added to drilling mud pits for stiffening purposes following a demonstration that the materials are not toxic.	Instruction 2-83	OGS Director
137. Approve optional pit stiffening process to ensure the process provides physical stability and support.	Instruction 1-84	OGS Director
138. Approve relocation of drilling mud pits.	Instruction 1-84	District Supervisor

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.
2. Issue orders pursuant to hearings before the Supervisor of Wells that establish new policy or set new precedents.
3. Designate a hearings officer, other than the OGS Director, to conduct an evidentiary hearing as provided in Part 615 [R 324.1205(5)].
4. Hear an appeal of an Order of the Assistant Supervisor of Wells (OGS Director) that is issued after a hearing [R 324.1212].
5. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
6. Issue final agency decision in contested cases under this part.

All rules cited in this delegation letter can be located in the 1996 Administrative Code.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS 615-02

Effective Date: June 30, 2010

Current Letter No.: ERMD-OGS-615-02

Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 615, Supervisor of Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 615, as outlined below, unless circumstances in individual cases warrant decisions at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. This delegation is supplemental to Delegation Letter No. ERMD-OGS-615-01.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or responsibility delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
Decide whether to approve a plan to drill a well or wells in or through unleased acreage subject to a Supervisor of Wells order to form a unit or uniform spacing plan by compulsory pooling.	MCL 324.61513(4) R 324.304 R 324.1206(4)	Office of Geological Survey Director

All rules cited in this delegation letter can be located in the 1996 Administrative Code.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-616-02
Effective Date: October 1, 1995
Revised Date: February 10, 2006

Current Letter No.: ERMD-OGS-616-02
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director 

SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 616, Orphan Well Fund, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Compile Information on Orphan Wells and Plug and Restore These Wells Using the Orphan Well Fund

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 616, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 616 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Expend money from the Orphan Well Fund.	MCL 324.61603(1)	Office of Geological Survey (OGS) Director and Professional Staff of the Orphan Well Program
2. Consult with natural gas storage field operator prior to plugging abandoned or improperly closed oil or gas well within boundary of the storage field.	MCL 324.61603(2)	Professional Staff of the Orphan Well Program
3. Determine a well to be an imminent threat of public health and safety.	MCL 324.61603(1)(a)	OGS Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
4. Salvage of well pipe and other equipment.	MCL 324.61606	Professional Staff of the Orphan Well Program

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Submit list to Legislature showing oil or gas wells that should be plugged or have response activities or site restoration performed, in order of priority. [MCL 324.61604]
2. Submit report to Legislature showing detailed expenditures from the Orphan Well Fund for the preceding fiscal year. [MCL 324.61607]
3. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
4. Make final agency decision in contested cases under this part.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-617-03
Effective Date: October 1, 1995
Revised Date: February 10, 2006

Current Letter No.: ERMD-OGS-617-03
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 617, Unitization, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Delegate Certain Powers and Authorities of the Supervisor of Wells to the Director of the Office of Geological Survey (OGS)

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 617, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 617 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Issue Orders for unitization.	MCL 324.61702 MCL 324.61704(4)	OGS Director
2. Prescribe plan of united operations including allocation of proceeds.	MCL 324.61705	OGS Director
3. Declare unit operations effective.	MCL 324.61706	OGS Director
4. Hold supplemental hearings and issue supplemental orders for the commencement of unit operations.	MCL 324.61707	OGS Director
5. Amend Orders for unitization.	MCL 324.61708	OGS Director
6. Conduct unitization hearings.	MCL 324.61728	OGS Director
7. Issue subpoenas for unitization hearings.	MCL 324.61731	OGS Director

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.
2. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Make final agency decision in contested cases under this part.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-625-01
Effective Date: April 9, 2009

Current Letter No.: ERMD-OGS-625-01
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 625, Mineral Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 625, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 625 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of this document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Make inspections.	MCL 324.62508(a)	Professional and Paraprofessional Staff
2. Require locating, drilling, deepening, reworking, reopening, casing, sealing, injecting, treating, and plugging of wells to be done in a manner designed to prevent waste.	MCL 324.62508(b)	Office of Geological Survey (OGS) Director
3. Designate, after public hearing, areas of the state in which permits to drill test wells are not required.	MCL 324.62508(c)	OGS Director
4. Release to the DNRE Director data necessary to the administration of Part 625 in the prevention or correction of surface or underground waste.	MCL 324.62508(f)	OGS Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
5. Qualify persons for blanket permits.	MCL 324.62508(i)	Professional Staff, Permits & Bonding Unit (P&BU)
6. Schedule public hearing to consider the need or advisability of permitting of a storage or waste disposal well, or converting a well for these uses.	MCL 324.62509(1)	OGS Director
7. Issue notice of determination to owner or operator of failure to case, seal, operate, repair, or plug a well; certify claims of the state.	MCL 324.62515	OGS Director
8. Enter private or public property to case, seal, operate, repair, or plug a well after notice of the determination is given.	MCL 324.62515	Professional Staff as designated by OGS Director
9. Prescribe forms for application for permit.	R 299.2311(2)(a) and (b)	Supervisor of P&BU
10. Receive application for permit to drill and operate or convert wells.	R 299.2311(2)(c) R 299.2319(2)(a) and (c) R 299.2322(2)(d) R 299.2323(1)	Professional Staff of P&BU
11. Determine if an application is accurate and complete; notify applicant if incomplete.	R 299.2318(2) and (3)	Professional Staff of P&BU
12. Receive and accept application for permit to drill and operate or to deepen; issue or deny permit.	MCL 324.62509(1), (2), and (4) R 299.2318(1), (4), and (5)	Professional Staff of P&BU
13. Schedule and conduct a public hearing to receive evidence to determine if a permit should be denied.	R 299.2320	OGS Director
14. Require applicant for permit for storage or disposal well to furnish public notice of application.	R 299.2321	OGS Director
15. Issue verbal approval to skid rig.	R 299.2322(1) and (2)	Professional Staff of P&BU; Professional Field Staff; Mineral Wells Specialist
16. Receive request to modify permit before commencement of drilling; approve or deny permit modification.	R 299.2325(1)	Professional Staff of P&BU
17. Receive request to modify permit before commencement of drilling; approve or deny permit modification.	R 299.2325(2)	Professional Staff of P&BU; Professional Field Staff
18. Approve or deny transfer of permit.	R 299.2325(2)	Professional Staff of P&BU
19. Order immediate suspension of operations due to failure to transfer permit.	R 299.2326	OGS Director
20. Grant extension of time to begin drilling.	R 299.2327(1) and (2)	Supervisor of P&BU

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
21. Grant temporarily abandoned status - initial term.	R 299.2328(1) R 299.2329(3) R 299.2437(3)	Mineral Wells Specialist
22. Grant temporarily abandoned status beyond initial term.	R 299.2328(3) R 299.2329(3)	OGS Director
23. Prescribe form for conformance bond.	R 299.2330(1)	Supervisor of P&BU
24. Require updated report of financial assurance.	MCL 62508(h) R 299.2330(7)	Supervisor of P&BU
25. Order immediate suspension of operations for failure to provide alternate financial assurance.	R 299.2330(7)	OGS Director
26. Require additional bonds.	MCL 62508(h) R 299.2330(8)	OGS Director
27. Invoke bond.	MCL 62508(h) R 299.2331 (2)	OGS Director
28. Release bond.	MCL 62508(h) R 299.2335	Professional Staff of P&BU
29. Notify surety and permittee of bond release and return cash bonds.	R 299.2336	Professional Staff of P&BU
30. Grant exception to well location within 300 feet of water well or residence with consent of owner.	R 299.2341(1)(c) and (d)	Professional Staff of P&BU
31. Grant exception to well location within 300 feet of water well or residence following hearing.	R 299.2341(1)(c) and (d)	OGS Director
32. Receive drilling notification.	R 299.2352	Professional Field Staff; Mineral Wells Specialist
33. Prescribe form for geologic records of water wells.	R 299.2353(2)(d)	Supervisor of P&BU
34. Receive and store geologic records of water wells.	R 299.2353(2)(d)	Mineral Wells Specialist
35. Approve use of surface water for drilling.	R 299.2354(2)	District Supervisor
36. Approve source of water or brine for the drilling fluid; approve use of fluids other than water for drilling fluids.	R 299.2355	Professional Field Staff
37. Approve alternative blowout preventer (BOP) systems.	R 299.2356(1)(a)	District Supervisor
38. Request additional blowout prevention equipment testing.	R 299.2356(4)	District Supervisor
39. Request notification of blowout prevention equipment testing.	R 299.2356(4)	Professional Field Staff; District Supervisor
40. Grant request to modify fluid monitoring system.	R 299.2356(5)	District Supervisor
41. Grant exception to BOP requirements for shallow low-pressure formations.	R 299.2356(6)	District Supervisor
42. Prohibit drilling mud pit if it causes waste.	R 299.2357(1)	District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
43. Approve on-site location of mud pit.	R 299.2357(2) and (4)	Professional Field Staff
44. Grant exception to the requirement for use of tanks while drilling in residential area.	R 299.2357(3)	Supervisor of Field Operations Section
45. Approve methods for pit solidification.	R 299.2357(4)(b)	OGS Director
46. Approve off-site location of mud pit.	R 299.2357(4)(d)	District Supervisor
47. Approve mud pit liner and cover material.	R 299.2357(6)(a)	OGS Director
48. Issue instructions on utilization of drilling mud pits.	R 299.2357(7)	OGS Director
49. Approve alternative manner of disposal of free liquids in pit.	R 299.2357(9)(a)	OGS Director
50. Approve testing of fluids and cuttings remaining in pit.	R 299.2357(9)(b)	Professional Field Staff
51. Approve alternative pit stiffening process.	R 299.2357(9)(c)(ii)	District Supervisor
52. Approve alternative to incinerator or flare for gas separated from the drilling fluid.	R 299.2358(1)(b)	District Supervisor
53. Approve procedure for determining H ₂ S content of gas routed to incinerator or flare.	R 299.2358(1)(c) and (2)(b)	Professional Field Staff
54. Approve alternative materials for sealing surface casing annulus if cement falls back.	R 299.2359(2)	Professional Field Staff; Mineral Wells Specialist
55. Approve alternative well control equipment on cable tool wells.	R 299.2360	District Supervisor
56. Require extra string of casing.	R 299.2361(2)	District Supervisor; Professional Staff of P&BU
57. Grant exceptions to minimum hole sizes.	R 299.2361(4)	Supervisor of Field Operations Section
58. Approve composition and volume of cement mixture for cementing well casing.	R 299.2362	Professional Field Staff; Professional Staff of P&BU; Mineral Wells Specialist
59. Approve sealing of annular space if casing is stripped.	R 299.2363(2)	Professional Field Staff
60. Approve cement of casing liner.	R 299.2364	Professional Field Staff; Mineral Wells Specialist
61. Grant exceptions to requirements for BOPs, pits, separating and burning of gas, casing, and cementing in R 299.2356 to R 299.2364.	R 299.2365	OGS Director
62. Receive and store records of elevations of ground surface, kelly bushing, or rig floor.	R 299.2366(1)	Mineral Well Specialist
63. Require additional information in connection with drilling of a well.	R 299.2367(1)(c)	Professional Field Staff; Mineral Wells Specialist
64. Request service company records.	R 299.2367(2) and (3) R 299.2370(3)	Professional Field Staff; Mineral Wells Specialist

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
65. Request drilling samples, cores, or core samples.	R 299.2368(2), (3), and (4)	Mineral Wells Specialist
66. Receive and store records of well drilling or deepening.	MCL 324.62508(a) R 299.2369(1)	Mineral Wells Specialist
67. Prescribe forms for written geologic description log or record of a well.	R 299.2369(1)(a)	Mineral Wells Specialist
68. Request elevation of top of cement be measured.	R 299.2369(1)(a)(vii)	District Supervisor
69. Receive and store records of well logs.	MCL 324.62508(d) and (e) R 299.2370(1) and (2)	Mineral Wells Specialist
70. Receive and store directional well surveys.	MCL 324.62508(a) R 299.2371	Mineral Wells Specialist
71. Authorize multiple zone completions.	R 299.2383	Supervisor of P&BU; District Supervisor
72. Receive notification of start of a well completion.	R 299.2383(2)	Professional Field Staff; Mineral Wells Specialist
73. Approve change of well status.	R 299.2384(1) and (2)	District Supervisor; Mineral Wells Specialist
74. Prescribe change of well status forms.	R 299.2384(3)	Supervisor of P&BU
75. Receive and store change of well status records.	R 299.2384(3)	Mineral Wells Specialist
76. Require specified action if a mineral well produces hydrocarbons following completion.	R 299.2385	Mineral Wells Specialist
77. Approve alternative Mechanical Integrity Test (MIT) methods for wells.	R 299.2391(1) R 299.2398	OGS Director
78. Approve MIT method for storage cavities.	R 299.2392	OGS Director
79. Receive notification of MIT; approve test procedure.	R 299.2394	Professional Field Staff; Mineral Wells Specialist
80. Receive certificate of calibration of pressure gauges.	R 299.2395	Professional Field Staff; Mineral Wells Specialist
81. Require MIT following change of well status.	R 299.2396	Professional Field Staff; Mineral Wells Specialist
82. Receive and store MIT reports.	R 299.2397	Mineral Wells Specialist
83. Approve method of external MIT.	R 299.2391(2)	Mineral Wells Specialist
84. Receive verbal notification of loss of mechanical integrity of an injection well.	R 299.2399(1)	Professional Field Staff; Mineral Wells Specialist
85. Allow continued operation if well fails to demonstrate mechanical integrity.	R 299.2399(1)	Professional Field Staff; Mineral Wells Specialist
86. Approve plan to restore mechanical integrity.	R 299.2399(2)	Professional Field Staff; Mineral Wells Specialist

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
87. Prescribe forms for reports of production test and annual production for natural brine well; and for report of soluble mineral or rock removed and volumes of fluids injected/removed for solution mining wells.	R 299.2401 R 299.2403	Supervisor of P&BU
88. Receive and store report of production test for natural brine well.	R 299.2401	Mineral Wells Specialist
89. Require permittee of natural brine well to perform special producing capacity test or supply brine production data.	R 299.2402	District Supervisor; Mineral Wells Specialist
90. Receive and store annual report of natural brine production; grant extension of time for filing of report.	R 299.2403	Mineral Wells Specialist
91. Prescribe forms for report of soluble mineral or rock removed, and volumes of fluids injected/removed for solution mining wells.	R 299.2404(2)	Mineral Wells Specialist
92. Receive and store annual report of soluble mineral or rock removed, and volumes of fluids injected/removed for solution mining wells.	R 299.2404(2)	Mineral Wells Specialist
93. Receive and store biennial report of cavity roof position.	R 299.2405	Mineral Wells Specialist
94. Receive and approve plan to monitor cavity size and shape.	R 299.2406	Mineral Wells Specialist
95. Receive and approve plan for subsidence monitoring.	R 299.2407	Mineral Wells Specialist
96. Approve removal of stored product and replacement with brine or fresh water before abandonment of storage cavity.	R 299.2408	Mineral Wells Specialist
97. Grant authority for 30-day injection test.	R 299.2411	Mineral Wells Specialist
98. Approve test to determine suitability for disposal or storage.	R 299.2412	Mineral Wells Specialist
99. Approve method to determine size, shape, and volume of cavity.	R 299.2413	Mineral Wells Specialist
100. Receive and store results of determination of size, shape, and volume of cavity.	R 299.2413	Mineral Wells Specialist
101. Confirm well for use for storage or disposal.	MCL 324.62509(1) R 299.2414(1)	Mineral Wells Specialist
102. Confirm cavity for use for storage.	R 299.2414(2)	Mineral Wells Specialist
103. Prescribe forms for changes in arrangement of downhole equipment.	R 299.2415(2)	Mineral Wells Specialist
104. Approve or deny changes in arrangement of downhole equipment.	R 299.2415(2)	Professional Field Staff; Mineral Wells Specialist

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
105. Receive report of migration of injected fluids through confining zone; approve remediation plan.	R 299.2415(4)	Mineral Wells Specialist
106. Require permittee to monitor pressure buildup in injection zone; receive report; receive notification of test.	R 299.2415(6)	Mineral Wells Specialist
107. Require permittee to use devices to monitor injection pressure.	R 299.2415(6)	Mineral Wells Specialist
108. Receive and approve monitoring plan to detect pressure changes or excessive injection pressure.	R 299.2415(8)	Mineral Wells Specialist
109. Receive notification of test of automatic warning system to detect pressure changes or excessive injection pressure.	R 299.2415(9)	Professional Field Staff; Mineral Wells Specialist
110. Approve additional waste product to be injected.	R 299.2415(12)	Mineral Wells Specialist
111. Receive and approve waste analysis plan.	R 299.2415(13)	Mineral Wells Specialist
112. Receive and store monthly reports of waste product injection pressure, rates, and volumes; annulus pressure system; well bore stimulation. Grant exception to reporting requirements.	R 299.2415(14)	Mineral Wells Specialist
113. Receive and approve surface facility plan.	R 299.2416(1)	District Supervisor
114. Receive written emergency response plan.	R 299.2416(2)	District Supervisor
115. Approve alternative method for determining storage cavity roof configuration.	R 299.2416(5)	Mineral Wells Specialist
116. Receive report of determination of storage cavity roof configuration.	R 299.2416(5)	Mineral Wells Specialist
117. Receive and store monthly reports of pressures, rates, volumes, emergency shutdown, cavity overflow prevention, leak detection, brine pit vapor detection and control, and fire detection and suppression systems.	R 299.2416(9)	Mineral Wells Specialist
118. Inspect records pertaining to storage well.	R 299.2416(9)	Professional and Paraprofessional Field Staff; Mineral Wells Specialist
119. Approve manner of storing, transporting, and disposing natural, artificial, or processed brine.	R 299.2421 R 299.2423(1)	OGS Director
120. Grant exception to allow annular disposal of brine if it does not result in underground waste.	R 299.2424	District Supervisor
121. Issue plugging instructions.	R 299.2431 R 299.2433 R 299.2434	Professional Field Staff; Mineral Wells Specialist

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
122. Approve alternative type of seal across the top of the pipe.	R 299.2435(3)	District Supervisor; Mineral Wells Specialist
123. Require proof that well is being utilized for its permitted purpose.	R 299.2437(1)(b)	District Supervisor; Mineral Wells Specialist; Compliance Coordinator
124. Approve alternative plugging schedule for test well.	R 299.2437(2)	Professional Field Staff; Mineral Wells Specialist
125. Require removal of surface or conductor pipe during plugging.	R 299.2438	Professional Field Staff
126. Approve restoration of well site after plugging completion.	R 299.2439	Professional and Paraprofessional Field Staff; Mineral Wells Specialist
127. Grant exception to surface facility location within 330 feet from water well or structure with consent of owner.	R 299.2441(3)(a)	Professional Staff of P&BU
128. Grant exception to surface facility location within 330 feet from water well or structure after hearing.	R 299.2441(3)(b)	OGS Director
129. Approve or deny request to construct or modify and operate surface facility or flow line filed with application for permit.	R 299.2442(1) R 299.2445(1) R 299.2446(h) R 299.2449	Professional Staff of P&BU
130. Approve or deny request to construct or substantially modify and operate a surface facility or flow line not filed with application for permit.	R 299.2442(4) R 299.2445(1) R 299.2446(h) R 299.2449	District Supervisor
131. Approve alternative methods for hydrogeological investigation for surface facility.	R 299.2443(3)	Supervisor of Field Operations Section
132. Receive certification that secondary containment area is constructed according to approved plan; require inspection of surface facility before it is put into service.	R 299.2450	Professional Field Staff
133. Require installation of fences, gates, or other safety measures.	R 299.2452	District Supervisor
134. Require permittee to submit written report of loss of more than 100 gallons of brine or nonhazardous substance outside of secondary containment area.	R 299.2456	OGS Director
135. Allow flow line to be purged and abandoned in place.	R 299.2461	Professional Field Staff
136. Grant exception to requirement to remove flow lines and vessels if they are not used for one year.	R 299.2461	District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
137. Require surface facilities to be upgraded to current standards if substantially reconstructed.	R 299.2462(2)	District Supervisor
138. Approve or deny plan to modify secondary containment area.	R 299.2462(3)	District Supervisor
139. Suspend operations upon receipt of odor complaints resulting from a well or surface facility operations; require permittee to submit odor abatement program.	R 299.2463	OGS Director
140. Make final determination whether proposed well is likely to encounter hydrogen sulfide (H ₂ S).	R 299.2471(3)	Professional Staff of P&BU; Mineral Wells Specialist
141. Require submittal of Part 1 of H ₂ S contingency plans.	R 299.2478(4)	Supervisor of P&BU
142. Grant exception to requirement to prepare a map and list of residences for H ₂ S contingency plan; notify local emergency preparedness coordinator.	R 299.2478(5)	Professional Staff of P&BU
143. Require additional H ₂ S safety equipment if necessary for safety of public or workers.	R 299.2480(2) R 299.2483(6) R 299.2484(1)(c)(v) R 299.2489(c)	District Supervisor
144. Require installation of incinerator or flare during test if well is likely to encounter H ₂ S.	R 299.2484(1)(b)	District Supervisor
145. Require warning signs to be posted at entrances to all access roads if well is likely to encounter H ₂ S.	R 299.2484(1)(d)	District Supervisor
146. Approve equipment to measure H ₂ S concentrations if well is likely to encounter H ₂ S.	R 299.2484(2)	OGS Director
147. Grant exceptions to H ₂ S requirements for initial testing when not necessary for public safety.	R 299.2484(4)	District Supervisor
148. Require gas and brine analyses to determine H ₂ S concentration.	R 299.2485	Mineral Wells Specialist
149. Require additional fencing at storage vessel for an H ₂ S well if a threat to public safety exists.	R 299.2486(d)	District Supervisor
150. Require use of tank gauging system that does not require opening tank hatches if chronic nuisance odor results.	R 299.2486(e)	District Supervisor
151. Require additional fencing if a threat to public safety exists due to emissions from incinerator or flare.	R 299.2487(2)	District Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
152. Require flare stack or incinerator stack more than 20 feet high if threat to public health or safety exists.	R 299.2487(3)	District Supervisor
153. Rescind allowance for truck vapor vent lines if they result in nuisance odors.	R 299.2488(2)	District Supervisor
154. Following receipt of odor complaints associated with H2S well, require permittee to demonstrate that concentration of H2S at location of complaint is less than 0.2 ppm for a one-hour time-weighted average, using an acceptable method.	R 299.2491(2)	OGS Director
155. Initiate, schedule, and conduct hearings.	MCL 324.62513 R 299.2501	OGS Director
156. Prepare and furnish notice of hearing; direct service of notice.	R 299.2504(1)	OGS Director
157. Publish notice of hearing initiated by Supervisor of Mineral Wells.	R 299.2504(5)	OGS Director
158. Authorize alternative service of notice of hearing.	R 299.2504(8)	OGS Director
159. Determine whether petition shall be heard; designate type of hearing.	R 299.2505(1)	OGS Director
160. Hold prehearing conference.	R 299.2505(3)	OGS Director
161. Enter or reject stipulation, or place stipulation on public notice.	R 299.2505(6)	OGS Director
162. Issue final decision or order as result of hearing.	R 299.2506	OGS Director
163. Issue subpoenas; quash, modify, or condition subpoenas; compel compliance with subpoenas; issue order to take deposition, interrogatory, or other discovery.	MCL 324.62514 R 299.2507	OGS Director
164. File administrative complaint with Supervisor of Mineral Wells.	R 299.2510	Compliance Coordinator
165. Issue emergency orders.	MCL 324.62507 R 299.2511(1)	OGS Director
166. Hold hearing on emergency order.	R 299.2511(2)	OGS Director
167. Issue orders, determinations, and instructions that do not establish new policy to carry out the purposes of Part 625 and rules promulgated thereunder.	MCL 324.62506 MCL 324.62515 R 299.2521(a)	OGS Director
168. Order immediate suspension of operation and prompt correction of any condition when a violation exists that causes or threatens to cause waste.	MCL 324.62508(g) R 299.2522	OGS Director
169. Require owner to file list of wells useable for their permitted purpose or not properly plugged; prescribe form for list.	R 299.2531(1)	Mineral Wells Specialist

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
170. Determine the mineral well regulatory fee owed by an owner and notify the owner.	R 299.2531(3)	Mineral Wells Specialist

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated:

1. Ability to hear an appeal of an order of the Supervisor of Mineral Wells or an action on a permit. [MCL 324.62504, R 299.2512]
2. Ability to promulgate administrative rules under this part. [MCL 324.62506]
3. Ability to refer matters to the Department of Attorney General to initiate civil litigation under this part. [MCL 324.62510]

All rules cited in this delegation letter can be located in the 2007 Administrative Code.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-631-06
Effective Date: December 14, 1999
Revised Date: February 10, 2006

Current Letter No.: ERMD-OGS-631-06
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 631, Reclamation of Mining Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Consideration of a Metallic Mineral Mining Permit and Decision to Revoke Permit

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 631, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 631 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Approve or deny a metallic mineral mining permit.	MCL 324.63103a(1)	Office of Geological Survey (OGS) Director
2. Revoke a metallic mineral mining permit.	MCL 324.63103c(1) MCL 324.63103d(4)	OGS Director
3. Determine a mining activity has not polluted, impaired, or destroyed the air, water, or other natural resources or the public trust in those resources.	MCL 324.63103c(1)(b)	Professional Staff, Minerals and Mapping Unit
4. Find a permittee in noncompliance, and there exists an imminent threat to the health and safety of the public.	MCL 324.63103c(1)(d)	OGS Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
5. Order immediate suspension of activities at a metallic mineral mining operation if there exists an emergency endangering public health and safety or an imminent threat to natural resources.	MCL 324.63103c(2)	OGS Director
6. Issue an emergency order to extend suspension of operations, and schedule a hearing.	MCL 324.63103c(3)	OGS Director
7. Approve transfer of a metallic mineral mining permit.	MCL 324.63103c(4)	OGS Director
8. Determine a person to be in violation of Part 631, the rules, permit conditions, or an order of the DNRE.	MCL 324.63103c(5)	OGS Director
9. Determine if an application is accurate and complete; notify applicant if not.	MCL 324.63103c(7)	Professional Staff, Minerals and Mapping Unit
10. Grant or deny request to amend permit.	MCL 324.63103c(8)	OGS Director

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.
2. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Make final agency decision in contested cases under this part.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-632-01
Effective Date: February 10, 2006

Current Letter No.: ERMD-OGS-632-01
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 632, Nonferrous Metallic Mineral Mining, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Permitting, Review, and Inspection of Mining Operations and Enforcement of Statutory Requirements

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 632, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 632 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Approve forms for applications for mining permit and transfer of permit.	MCL 324.63205(2) MCL 324.63207(4)(a)	Supervisor, Petroleum & Mining Geology Unit
2. Approve forms for applications for mining permit and transfer of permit.	MCL 324.63205(2) MCL 324.63207(4)(a)	Supervisor, Petroleum & Mining Geology Unit
3. Determine whether application is administratively complete.	MCL 324.63205(4)	Supervisor, Petroleum & Mining Geology Unit
4. Notify applicant that application is not administratively complete or that application fee has not been paid.	MCL 324.63205(5)	Supervisor, Petroleum & Mining Geology Unit
5. Give notice and hold public meeting on an application.	MCL 324.63205(6)	Office of Geological Survey (OGS) Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
6. Reach proposed decision to grant or deny a mining permit; give notice and hold public hearing on proposed decision.	MCL 324.63205(7)	OGS Director
7. Issue report summarizing all comments received at public hearing.	MCL 324.63205(8)	Professional Staff
8. Grant or deny a mining permit.	MCL 324.63205(9), (11), and (12)	OGS Director
9. Terminate a mining permit.	MCL 324.63207(2)	OGS Director or DNRE Deputy Director
10. Revoke a mining permit.	MCL 324.63207(3)	OGS Director or DNRE Deputy Director
11. Transfer a mining permit to a new operator.	MCL 324.63207(4)	OGS Director
12. Determine operator to be in violation of Part 632, Part 632 rules, or a mining permit and require operator to correct violation.	MCL 324.63207(4)(c) MCL 324.63221(1)	Supervisor, Petroleum & Mining Geology Unit; Compliance Coordinator
13. Require a mining permit to be amended.	MCL 324.63207(6)(b)	Supervisor, Permitting & Technical Services Section
14. Determine whether permit amendment request constitutes a significant change from permit conditions.	MCL 324.63207(6)(c)	Supervisor, Permitting & Technical Services Section
15. If permit amendment constitutes a significant change from permit conditions, provide notice and hold meeting and hearing as necessary.	MCL 324.63207(6)(c)	OGS Director
16. Approve or deny permit amendment.	MCL 324.63207(6)	OGS Director
17. Approve extension of time to begin or complete final reclamation.	MCL 324.63209(5)	Supervisor, Permitting & Technical Services Section
18. Extend postclosure monitoring period unless there is no significant potential for water contamination from the operation.	MCL 324.63209(6)(a)	OGS Director
19. Shorten postclosure monitoring period if there is no significant potential for water contamination.	MCL 324.63209(6)(b)	OGS Director
20. Give public notice and opportunity for hearing before extending or shortening postclosure monitoring period.	MCL 324.63209(7)	OGS Director
21. Set alternative frequency for update of statement of financial responsibility and financial assurance instrument.	MCL 324.63211(3)	Supervisor, Petroleum & Mining Geology Unit
22. Order immediate suspension of activities based on failure to provide financial assurance.	MCL 324.63211(5)	OGS Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
23. Request records upon which the mining and reclamation reports are based.	MCL 324.63213(3)	Professional Staff
24. Assess nonferrous metallic mineral surveillance fee on permittee.	MCL 324.63215(1)	Supervisor, Permitting & Technical Services Section
25. Provide notice of contested case hearing.	MCL 324.63219(2)	OGS Director
26. Determine a violation is causing imminent and substantial endangerment to the public health or safety, environment, or natural resources; and take action necessary to abate or eliminate the endangerment, including revoking the permit, suspending operations or issuing order to undertake response actions.	MCL 324.63221(2)	OGS Director
27. Provide opportunity for an evidentiary hearing before taking action to suspend operations or revoke a mining permit.	MCL 324.63221(3)	OGS Director
28. Issue emergency order to require an operator to suspend operations or to take other corrective actions, when necessary to protect public health, safety, or welfare, or to protect the environment.	MCL 324.63221(4)	OGS Director
29. Access and enter a mining area and take action necessary to curtail and remediate damage to the environment and public health if an operator or surety fails to take corrective actions under an order.	MCL 324.63221(5)	Professional Staff
30. Conduct inspection of a mining operation to investigate complaint of violation; make written report of the complaint.	MCL 324.63221(7)	Professional Staff

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.
2. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Make final agency decision in contested cases under this part.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-635-04
Effective Date: October 1, 1995
Revised Date: February 11, 2006

Current Letter No.: ERMD-OGS-635-04
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 635, Surface and Underground Coal Mine Reclamation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Consideration of Permits for Surface Coal Mining and Reclamation Operations

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 635, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 635 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Issue or deny permits for surface coal mining and reclamation operations.	MCL 324.63514(1)	Office of Geological Survey Director

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.

2. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Make final agency decision in contested cases under this part.
4. Order an immediate shutdown of a permitted or licensed entity, or issue a cease-and-desist order under this part.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-637-05
Effective Date: October 1, 1995
Revised Date: February 10, 2006

Current Letter No.: ERMD-OGS-637-05
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director



SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Part 637, Sand Dune Mining, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended – Permitting, Review, and Inspection of Mining Operations and Enforcement of Statute and Rules

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 637, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 637 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are listed at the end of the document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Issue or deny a sand dune mining permit.	MCL 324.63704(1) MCL 324.63709	Office of Geological Survey (OGS) Director
2. Provide list of pending sand dune mining applications upon request.	MCL 324.63708(4)	Supervisor, Petroleum & Mining Geology Unit
3. Send written notice to an operator of the surveillance fee amount due.	MCL 324.63711(3)	Supervisor, Permitting & Technical Services Section
4. Suspend or revoke a sand dune mining permit.	MCL 324.63711(5) MCL 324.63712(10) MCL 324.63714(1)	OGS Director

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
5. Audit records upon which the annual report is based.	MCL 324.63711(7)	Professional Staff
6. Approve revision of cell-unit boundary.	MCL 324.63712(2)	Professional Staff
7. Release cell-unit from conformance bond requirements and notify operator.	MCL 324.63712(4) MCL 324.63712(8)	Professional Staff
8. Reclassify cell-unit from active to interim status and notify operator.	MCL 324.63712(6)	Professional Staff

Exceptions to delegation:

The following authorities, powers, duties, functions, and responsibilities are not delegated and are reserved for the director of the DNRE, unless otherwise indicated.

1. Promulgate administrative rules under this part.
2. Refer matters to the Department of Attorney General to initiate civil litigation under this part.
3. Make final agency decision in contested cases under this part.
4. Submit annual report on sand mining surveillance activities to House of Representatives and Senate committees.

This delegation is in effect until further notice.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

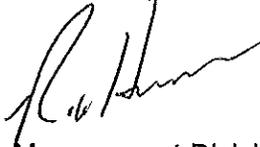
INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45
DELEGATION LETTER

Former Letter No.: OGS-77-01
Effective Date: January 5, 2009

Current Letter No.: ERMD-OGS-77-01
Revised Date: September 1, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director 

SUBJECT: Delegation to Environmental Resource Management Division Pursuant to Executive Order 2009-45 and Low Grade Iron Ore Specific Tax, 1951 PA 77, as Amended (Act 77)

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Act 77, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Determine the portion of tax under Act 77 for low grade iron ore mining properties attributable to each township if the property is located in more than one township.	MCL 211.624(2)	Office of Geological Survey Director

This delegation is in effect until further notice.