

A 90-day update on Reinventing Michigan DEQ's Remediation/ Redevelopment Programs

DEQ Remediation Division

June 2012





Anne Couture
Acting Chief
DEQ Remediation Division

Pieces of the puzzle – a collective vision



Governor Snyder's 10-Point Plan

...to reinvent Michigan



1. Create more & better jobs
2. Leverage our new tax system
3. Reinvent our government
4. Keep our youth-our future-here
5. Restore our cities
6. Enhance our image
7. Protect our environment
8. Revitalize our education system
9. Reinvent our health care system
10. Winning in Michigan through Relentless Positive Action

DEQ Director Wyant's Goals

...reinventing Michigan



- Serve as stewards of the resource
- Deliver excellent customer service
- Be partners in economic development

ORR Recommendations

... for Remediation Division



- Remove excessive and burdensome regulations
- Streamline/modernize regulatory programs
- Provide more clarity and certainty for the regulated community

ORR Recommendations ... *cont.*

... Remediation Division



- 23 Recommendations
- “7” Series, a – h, AST program
- Rescission of 3 rules sets
- Full review of all 201 rules
- Extensive statutory and program implementation improvements to the remediation and redevelopment program

ORR Recommendations ... *cont.*

... Remediation Division

- GSI
- VI
- Cleanup criteria
- Part 201 rules
- MIOSHA – indoor air
- Soil relocation
- Source control
- 201/213 merge
- Boron GW criteria
- FOQRT elimination
- Anthropogenic area-wide conditions
- Risk-based closures and use of site-specific criteria
- Effective solubility and free-phase contamination
- Non-health based standards exceeded on off-site property; closures
- Due care plan review for SBA and other loans

Collaborative Stakeholder Initiative (CSI) Goals

... reinventing Michigan's remediation & redevelopment programs

GOAL # 1:



Foster improved climate of trust, cultural understanding, and cooperation among stakeholders and DEQ/RD staff

CSI Goals ... *cont.*

GOAL # 2:

Achieve swift and durable implementation of recommendations to DEQ, addressing 7 key issue groups, including RD ORR recommendations



1. Groundwater/Surface Water Interface (GSI) Pathway
2. 201 rules
3. Due care
4. Free product/Csat
5. Vapor intrusion
6. Cleanup criteria
7. Brownfield redevelopment



CSI Recommendations

...reinventing Michigan



- Over 90 recommendations
- Reduce **real** risks to public health, safety, welfare and the environment
- Utilize standard practices, including Federal program models, where available
- Clarify and consolidate program requirements
- Focus response activity on “what matters”
- Enhance stakeholder involvement

Communications

... Reporting to and keeping our employees, stakeholders & the public informed

Media – Telling our Story

Web-Based: Forum, Web Site

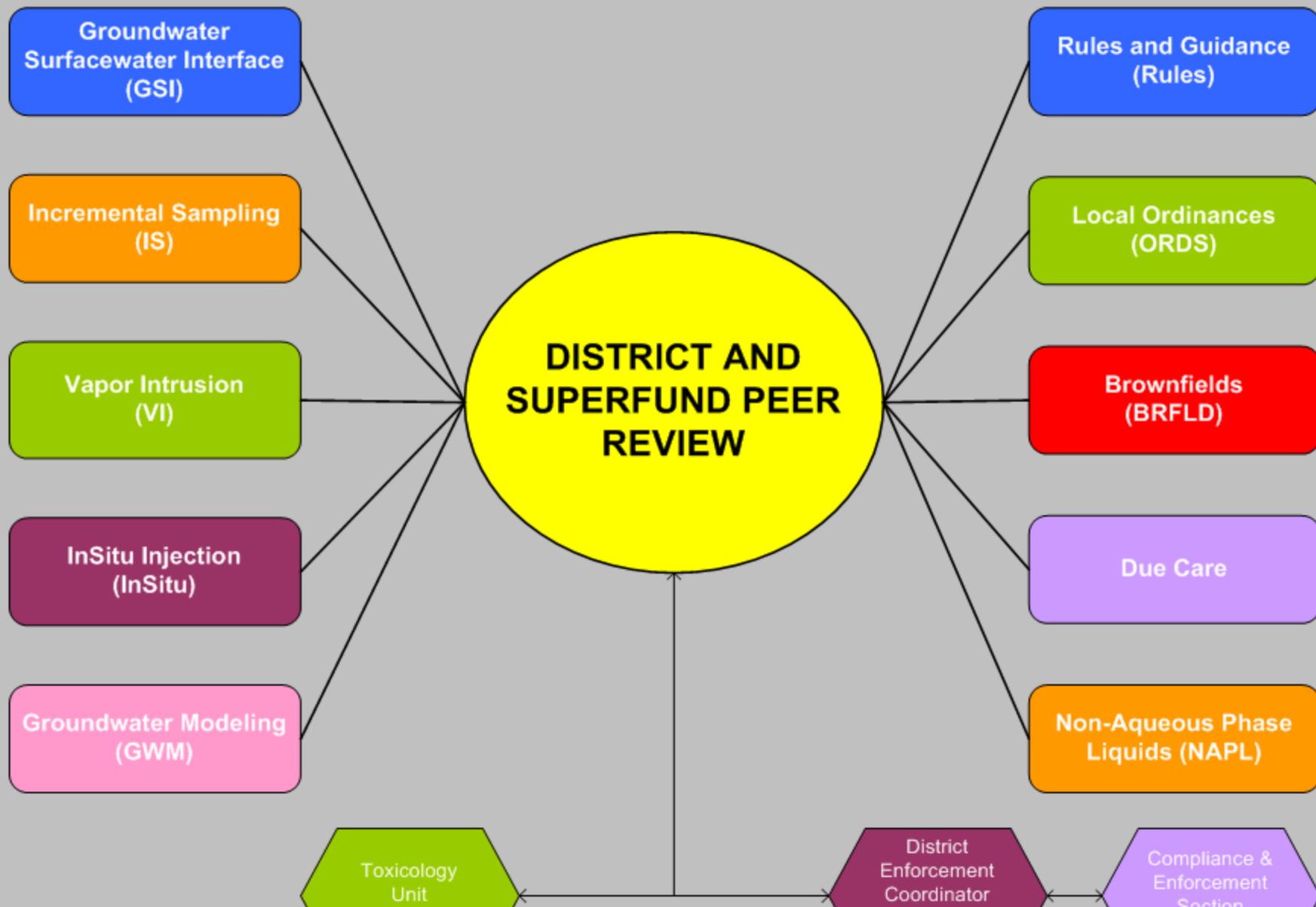
Training-Workshops

Community Meetings-Events



Technical and Program Support (TAPS) Teams

DEQ Remediation Division



Remediation and Redevelopment Program Reinvention

... a 90-day report

- Process Improvements
- Seven (7) key issue groups
 1. GSI
 2. Part 201 rules
 3. Due care
 4. Free product/Csat
 - 5) Vapor intrusion
 - 6) Cleanup criteria
 - 7) Brownfield redevelopment
- Implementation of Part 213 Amendments



Sara Pearson
TAPS Team Coordinator
DEQ Remediation Division

Process Improvements

... Accomplishments

- FOQRT eliminated
- New District-Superfund Peer Review Process & Technical and Program Support Teams (TAPS)
- No Further Action (NFA) determinations
- Response Activity Review Panel... June 2012
- Site inventory replaces site listing
- Request for rule rescission submitted (3 packages) May 2012
- New MUSTR o/o training and certification ... deadline extension to January 1, 2013

Process Improvements

... *Next steps*



Discussions continue regarding recommendations to move the Above Ground Storage Tank (AST) and Underground Storage Tank (UST) regulatory programs from DEQ to the Michigan Department of Licensing and Regulatory Affairs (LARA) Fire Bureau.

Seven Key Issue Groups

... Remediation and Redevelopment Program Reinvention

1. GSI
2. Part 201 rules
3. Due care
4. Free product/Csat
- 5) Vapor intrusion
- 6) Cleanup criteria
- 7) Brownfield redevelopment



Steve Hoin
GSI Issue Group Leader
DEQ Remediation Division

Groundwater/Surface Water Interface (GSI)

... Accomplishments

- Increase in staff funding for GSI assistance and collaboration with WRD
- Drafted a GSI policy-procedure for a mercury action level of 200 ng/l
- Drafted and passed GSI legislation (SB 1090), which:
 - broadens options for self-implementation,
 - moves the GSI storm-sewer compliance point to the outfall, and
 - adds the concept of de minimis



Groundwater/Surface Water Interface (GSI)

... Next steps -- GSI Issue Group



- Preparing policy and procedure for the technical aspects of SB 1090
- Integrating Part 201 GSI changes into the Part 213 program



Bob Wagner
Part 201 Rules Issue Group Leader
DEQ Remediation Division

Part 201 Rules *Issue Group*

... Accomplishments

- Developing recommendations for statutory amendments that may result in rescission of most rules
- Drafted amendments to create more opportunities and protections for self-implementation of response activities.

Part 201 Rules *Issue Group*

... *Next steps*

- Endpoints & Closure
 - Certificate of Completion for acknowledging completion of a response activity;
 - NFA for something less than the original dimensions of a facility;
 - Set forth that unrestricted closures do not require obligations for monitoring or property restrictions;
 - Provisions that clearly state that a self-implemented remedy that complies with the statute & rules has equal status to a DEQ approved remedy;
 - Provision for a “No Further Interest” designation that the release or contamination does not rise to the level of regulatory interest.

Part 201 Rules *Issue Group*

... *Next steps*

- Site Investigation & Use of Criteria
 - Parties to undertake a Conceptual Site Model
 - Use of criteria as risk based screening criteria
 - Use of site specific criteria
 - Selecting a remediation method (non-numeric based) with requisite protectiveness





Kathy Shirey
Due Care Issue Group Leader
DEQ Remediation Division

Due Care *Issue Group*

... Accomplishments

- 45-day turn-around implemented for DEQ review of Due Care plans for SBA loans
- Initial draft of statutory and rule changes to reflect CSI recommendations
- Developing due care education-outreach materials



Due Care *Issue Group*

... Next Steps

- 45-day policy for Due Care Plans related to SBA loans will be memorialized in an internal policy document.
- The CSI stakeholder group will be expanded to include more affected interests, to provide input to draft legislation and rules, and to vet education and outreach materials in development. (First meeting to be convened by mid-September)



Nick Swiger
Free Product/Csat Issue Group Leader
DEQ Remediation Division

Free Product/Csat *Issue Group*

... Accomplishments

- May 2012 DEQ memo eliminated practice of using effective solubility to evaluate sites with free product
- Instrumental in bringing AIPG LNAPL Workshop to RAM in June 2012
- Developing policy-procedure memo that reflects statutory changes and new LNAPL terminology
- ITRC bringing LNAPL classroom training to Michigan ... October 2012

Free Product/Csat *Issue Group*

... *Next steps*

- Draft legislation to clarify definition of “source” in Part 201
- Draft policy-procedure that addresses LNAPL site recoverability, monitoring, closure and conceptual site model requirements
- Work with other technical groups on NAPL issues that are affected by cleanup criteria, rules and institutional controls
- Examine case studies to ensure continuity among all stakeholders

Free Product/Csat *Issue Group*

... *Stakeholder comments*



“Thank you for your effort and patience. You never make me feel like you are ‘blowing off our comments’ – far from that.”

-- Mark Adamski
BP America



Carrie Geyer
Vapor Intrusion Issue Group Leader
DEQ Remediation Division

Vapor Intrusion *Issue Group*

... *Accomplishments*

- Incorporated CSI recommendations into draft DEQ/RD VI Guidance document
- Held presentations statewide for public comment on draft DEQ VI Guidance document in May-June
- Provided key stakeholder input into draft EPA VI guidance document



Vapor Intrusion *Issue Group*

... *Next steps*

- Formed stakeholder group to discuss the use of MIOSHA regulations to address potential VI issues at a workplace.



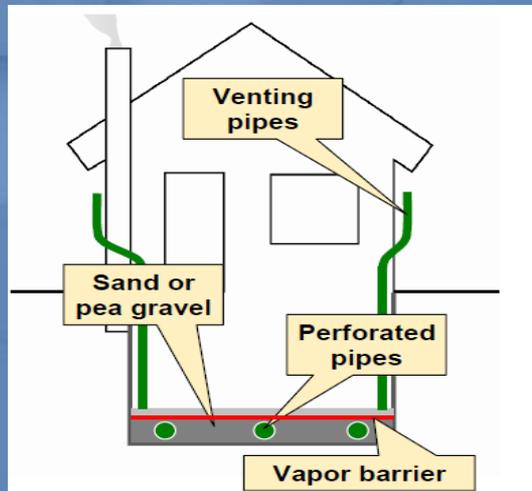
- Joining VI specialists from around the country in an ITRC workgroup to develop a document associated with petroleum VI sites



Vapor Intrusion *Issue Group*

... Stakeholder comments

“Bravo, bravo. One of the best VI guidance’s I have reviewed. Well organized and reasonable criteria. You clearly spent a lot of time preparing it. Good job!”

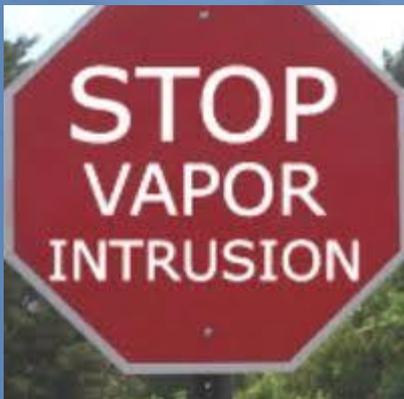


-- Blayne Hartman
Hartman Environmental
San Diego, California
(National renowned VI expert)

Vapor Intrusion *Issue Group*

... *Stakeholder comments*

“I thought the VI update was very helpful and I hope the outreach effort continues, as we all learn more about the subject. I was impressed by the new VI guidance documents – comprehensive, detailed. A lot of work went into getting these documents out to the public in such a short period of time. Great job by everyone involved!”



-- Mike O’Hearn, AMEC
Novi, Michigan



Eric Wildfang
Cleanup Criteria Issue Group Co-Leader
DEQ Remediation Division

Cleanup Criteria *Issue Group*

... *Accomplishments*

- Ongoing deliberations re: exposure routes, criteria calculations, draft rule language and other criteria issues
- Draft language for Part 201 amendments has been prepared to extend deadline to update Part 7 rules to Dec 2013
- Seeking Attorney General input whether to promulgate criteria algorithms and publish criteria tables



Cleanup Criteria *Issue Group*

... *Next steps*

- Continue discussions with the expanded CSI stakeholder group to resolve outstanding cleanup criteria issues
- Draft cleanup criteria rule language
- Collaborate with other CSI technical work groups to ensure harmonization of cleanup program changes

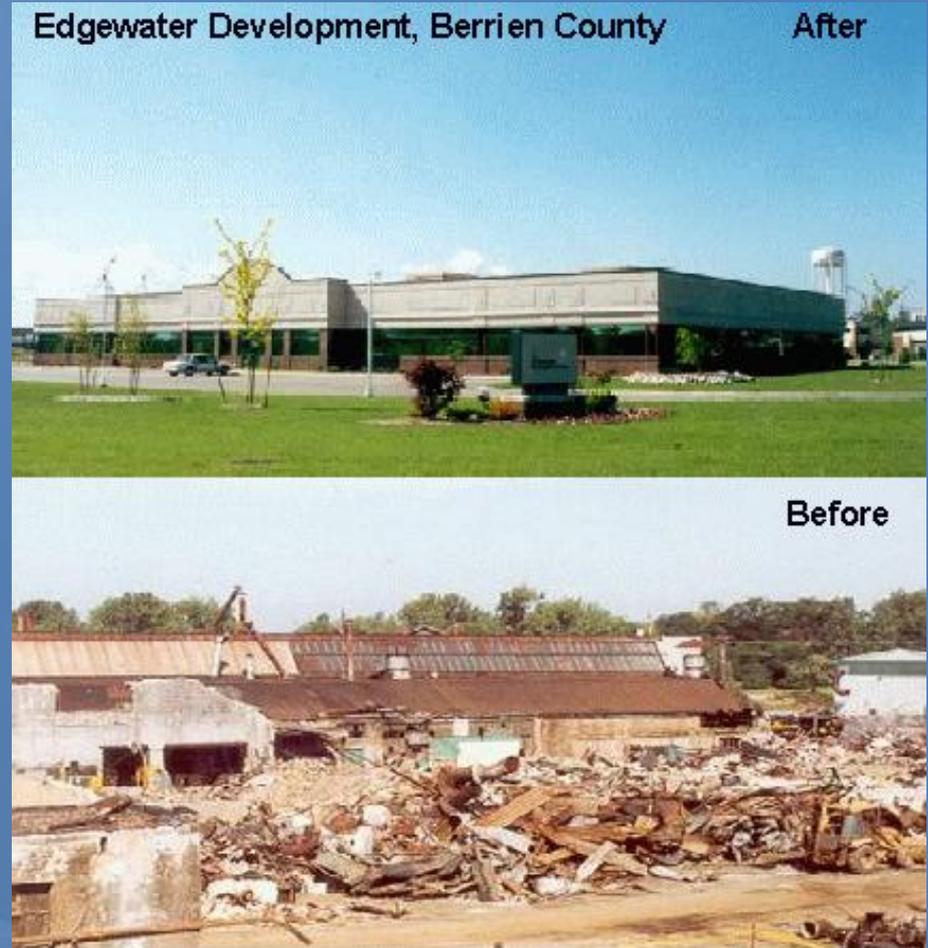


Susan Erickson
Brownfield Redevelopment Issue Group Leader
DEQ Remediation Division

Brownfield Redevelopment *Issue Group*

... *Accomplishments*

- Draft legislation to implement CSI recommendations
- Enhancements to Act 381
- Expanded number of stakeholders in the workgroup



Brownfield Redevelopment *Issue Group*

... *Next steps*

- Refinement of draft amendments throughout summer 2012
- Draft legislation to transfer loan funding to grants (Part 196)
- Draft legislation expected this fall 2012



Brownfield Redevelopment *Issue Group*

... Stakeholder comments



“We came together to move Michigan forward ... we reached consensus.”





Dennis Eagle
Part 213 Group Leader
DEQ Remediation Division

Part 213 amendments

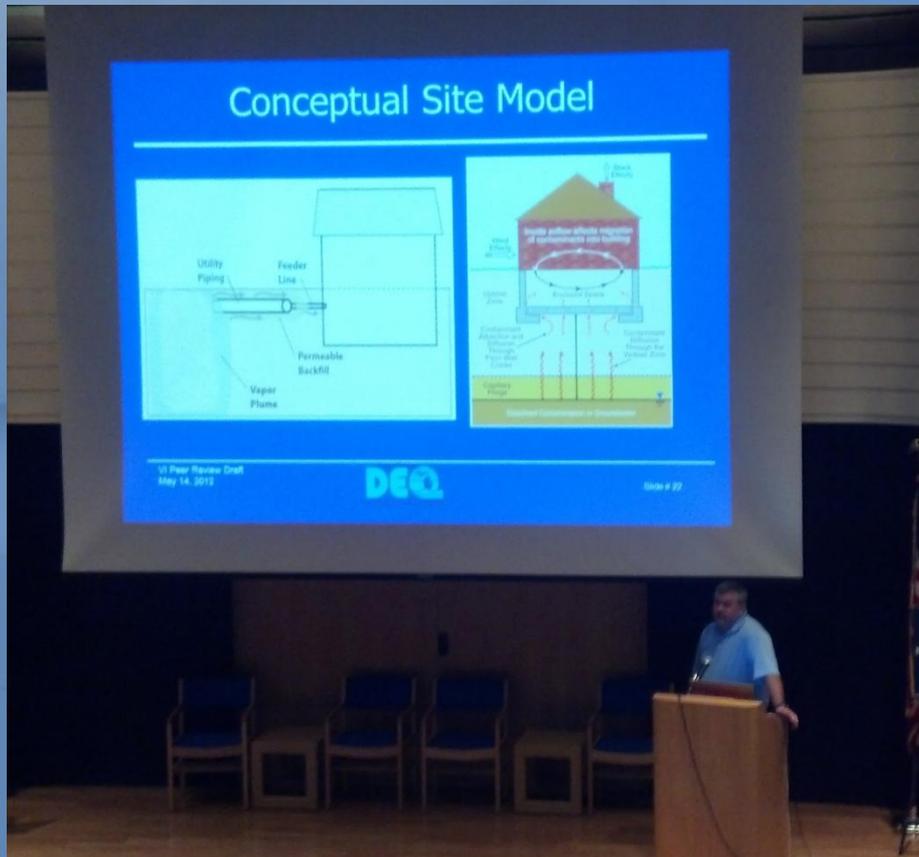
... effective May 1, 2012



- Time frames limited for MDEQ review and approval
- Approvals through operation of law
- Eliminate QC/CP program, Create New QC Requirements

Part 213 amendments ... *cont.*

...reinventing Michigan



- ASTM RBCA focus, including Conceptual Site Model
- NAPL Management rather than “free product”
- Creation of Part 213 Implementation Stakeholder Group – July 2012

Part 215 Amendments

... Accomplishments

- Extension of RPF to December 2015
- Creation of Underground Storage Tank System Cleanup Advisory Board





Anne Couture
Acting Chief
DEQ Remediation Division

Remediation and Redevelopment Program Reinvention

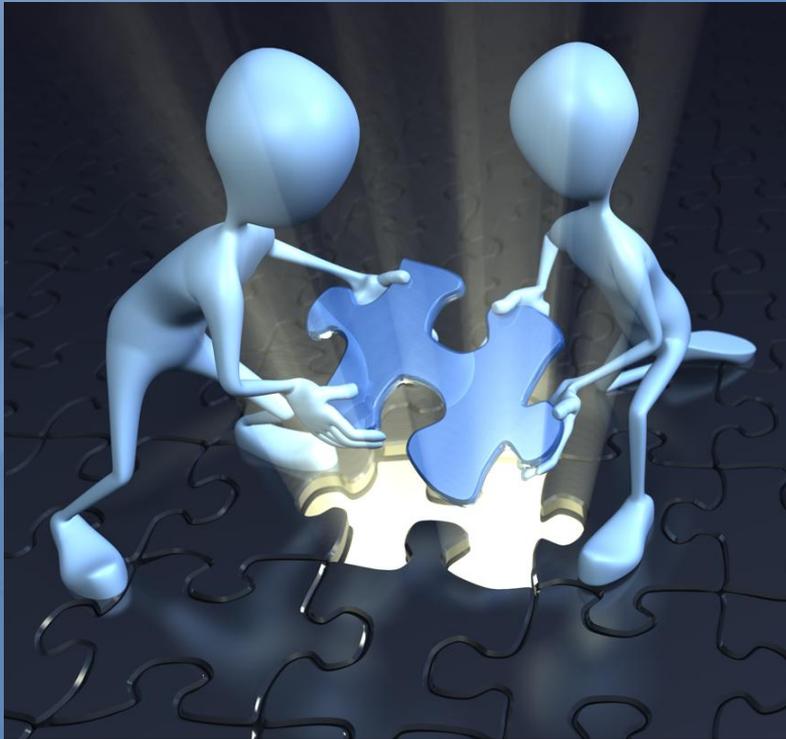
... *Legislative schedule*

- Stakeholder meetings through Summer 2012
- Legislation Fall 2012



Getting there – piece by piece

... Collaboratively!



working to ...
Get it right
Get it done, and
move forward for
Michigan!

CSI Web Page

www.michigan.gov/remediation



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