



Implementation of the Environmental Advisory Rules
Committee's (ARC) Recommendations
Annual Report

All Divisions

January 2017

Below are the recommendations that were either closed out in 2016 or still need to be completed.

AIR QUALITY DIVISION

**Recommendation A-1: Air Toxic Rules: Part 2 Rules (R 336.1225 to R 336.1228)
(COMPLETED)**

Recommendation:

The Committee makes the following recommendations regarding Air Toxics rules:

- The parts of R 336.1224 dealing with compounds that are considered volatile organic compounds (VOCs) should be rescinded. Portions of R 336.1224 are redundant because R 336.1702 requires a control technology review for VOCs. VOC-based emission control is more effective under R 336.1702 and this entire regulation exceeds federal standards.
- R 336.1225 should be amended and specifically include the following:
 - Limit permit modification reviews to those increases in a Hazard Index exceeding 10% above the previously permitted baseline.
 - Exempt sources that are identified in a MACT source category.
 - Exempt clean fuels such as natural gas, low sulfur #2 fuel oil, and non-chemically treated biofuels.
 - Exempt pollution control projects for existing sources from the air toxic regulations.
 - Limit the number of air toxics to the federal HAPS list.
 - Make the acceptable exposure limits consistent with other nearby states.
 - Stop requiring permit holders to conduct elaborate and costly stack tests to provide emissions research data, since the DEQ does not use this information for subsequent permit reviews.
- R 336.1228 should be rescinded. This rule allows the Air Quality Division to go beyond the requirements of the rule for any reason.

Response:

The Air Quality Division's (AQD) Air Toxics Workgroup held nine meetings between December 3, 2012, and September 25, 2013. In September and October of 2013, Workgroup members submitted comments to the AQD on two iterations of the Workgroup's final draft report. A few remaining issues were then resolved between the AQD and Workgroup members in December 2013, and the report was finalized on January 31, 2014. Almost all of the Environmental ARC's recommendations were initially addressed via proposed rule changes or changes in AQD procedures, as appropriate.

The Request for Rulemaking (RFR) for amendments to the Part 1 and Part 2 rules were approved by the Office of Regulatory Reinvention (ORR) on December 9, 2014, and were identified as ORR rule set numbers 2014-153 EQ and 2014-154 EQ, respectively. Revisions to the RFRs were approved by the ORR on March 23, 2015. The draft rules and Regulatory Impact Statement and Cost-Benefit Analysis were submitted to ORR on July 17, 2015. A public hearing on the rules was held on December 7, 2015. As a result of the comments received at the public hearing and during the comment period expressing concerns about potential health impacts, the DEQ decided not to proceed with limiting the number of toxic air contaminants to a defined list or remove the default screening level for TACs with little toxicological data, as recommended by the Air Toxics Workgroup. The Office of Regulatory Reinvention submitted the two rules sets to the Joint Committee on Administrative Rulemaking (JCAR) for consideration on June 24, 2016. On December 12, 2016, JCAR waived the session days and the rules became effective on December 20, 2016.

Below is a summary of the changes that were made and not made to the Air Toxic rules:

Regulated Toxic Air Contaminants

- The MDEQ will retain the current definition of the regulated Toxic Air Contaminants (TACs) and will continue the use of a default screening level for TACs with little toxicological data. This is a reversal from the original proposal. The decision to retain the current regulations is based on the concerns about the potential health impacts from the proposed changes.
- The proposed rule revisions will improve transparency and opportunities for public engagement.
- The MDEQ will publish a proposed initial list of health based screening levels for TACs with an explanation for the established level. The MDEQ will respond to all public comments received. The process for proposed future changes to the health-based screening levels would also include a public comment component.

Exemption of cleaner fuels from TAC review

- The proposed rule revisions will exempt engines that burn cleaner fuels (natural gas, diesel fuel and biodiesel) and meet certain other requirements from the regulations for the TACs.
- The MDEQ evaluated sources burning these cleaner fuels and concluded that any resulting toxic air contaminants do not pose a threat to public health or the environment.
- The exemption will help streamline the regulatory requirements, improve efficiency and provide an incentive for the use of cleaner fuels.

Exemption of insignificant changes in permit modifications

- Existing permitted facilities proposing to make modifications involving insignificant changes in TAC emissions will be exempted from needing a permit if a specific evaluation method shows the change would not be meaningful.
- This change will clarify an existing rule by adding the specific evaluation method.
- This exemption will provide clarity and flexibility for companies to make rapid process changes that do not pose a threat to the public health.

Contact: Robert Sills at 517-284-6763 or Sillsr@Michigan.gov

Recommendation A-3: Additional Permit to Install Exemptions: Part 2 Rule R 336.1291 (COMPLETED)

Recommendation: Michigan should adopt a new exemption rule for minor sources with *de minimis* potential to emit. This exemption rule should be similar to the minor new source review thresholds adopted by the U.S. Environmental Protection Agency (USEPA) for its own permitting program in Indian Country (40 CFR, Subpart C), and should read as follows:

“New sources with a potential to emit less than the following amounts in an attainment area would be exempt from the requirement to obtain a permit to install:

CO	10 tpy
NOx	10 tpy
SO2	10 tpy
VOCs (non-carcinogenic)	5 tpy
PM	10 tpy
PM10	5 tpy
PM2.5	3 tpy
Lead	0.1 tpy
Fluorides	1 tpy
Sulfuric Acid Mist	2 tpy
Hydrogen Sulfide	2 tpy
Total Reduced Sulfur	2 tpy
Reduced S Compounds	2 tpy
MSW Combustors	2 tpy
MSW Landfills	10 tpy

In non-attainment areas, the NAA compound-specific thresholds would be:

CO	5 tpy
NOx	5 tpy
SO2	5 tpy
VOCs (non-carcinogenic)	2 tpy
PM	5 tpy
PM10	1 tpy
PM2.5	0.6 tpy
Lead	0.1 tpy

Response:

The ten members of the Exemption Workgroup held their first meeting on December 20, 2012. The Exemption Workgroup held additional meetings on January 24, 2013; March 6, 2013; April 10, 2013; May 1, 2013; June 5, 2013; July 10, 2013; August 7, 2013; and August 26, 2013. The Exemption Workgroup report has been completed. The Air Advisory Council (AAC) recommends addressing U.S. Environmental Protection Agency (U.S. EPA) concerns with previously-submitted exemptions in this same rulemaking package, as well as developing a different mechanism for Rule 291 exemptions. The RFR for amendments to the Part 1 and Part 2 rules were approved by ORR on December 9, 2014, and are identified as ORR rule set numbers 2014-153 EQ and 2014-154 EQ, respectively. Revisions to RFRs were approved by the ORR on March 23, 2015. The draft rules and Regulatory Impact Statement and Cost-Benefit Analysis were submitted to ORR on July 17, 2015. A public hearing on the rules was held on December 7, 2015. The Office of Regulatory Reinvention submitted the two rules sets to the Joint Committee on Administrative Rulemaking (JCAR) for consideration on June 24, 2016. On December 12, 2016, JCAR waived the session days and the rules became effective on December 20, 2016.

Contact: Tracey McDonald at 517-284-6756 or mcdonaldt@michigan.gov

Recommendation A-7: Rule 801, Rule 803, and State Implementation Plan (SIP) (IN PROGRESS)

Recommendation:

The Air Quality Division (AQD) should amend R 336.1801 and R 336.1803 and the SIP, to only include electrical generating units (EGU's) that contribute electricity to the grid. A stakeholder group should commence rules development activities by January 1, 2012 and submit a proposed rules package for public comment by no later than April 1, 2012.

Response:

Revisions to the Part 8 rules are proceeding. As of July 28, 2015, all legal challenges to the federal Cross State Air Pollution Rule (CSAPR) have concluded. The AQD met with representatives of non-Electric Generating Units (EGU) to explore options for moving forward with rule modifications. Additionally, discussions with EGUs have taken place. Representatives of EGUs and non-EGUs will continue to be engaged as revisions are developed. On December 27, 2016, the U.S. EPA's updated CSAPR to address transport for the 2008 ozone NAAQS became effective. In December 2016, EPA also released a Notice of Data Availability for the modeling to support states' Good Neighbor SIPs for the 2015 ozone NAAQS. Decisions on how to move forward with Part 8 rule revisions must consider these recent U.S. EPA actions and plans.

Contact: Tracey McDonald, (517) 284-6756, McDonaldt@michigan.gov

Recommendation A-17: Rule 703, Gasoline Storage Tanks (>2,000 gallons) (SUSPENDED)

Recommendation:

Amend R 336.1703 to be clear and consistent with new USEPA regulations, while ensuring continued attainment of air quality standards.

Response:

Awaiting action by the federal government on ozone reductions.

Contact: Craig Fitzner at 517-284-6743 or fitznerc@michigan.gov

OIL, GAS AND MINERALS DIVISION

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

Recommendation:

DEQ, with input from stakeholders, should attempt to enter into a memorandum of understanding with the USEPA to utilize the same conformance bond, and if successful, should rescind any duplicative rules.

Response:

The Office of Oil, Gas, and Minerals (OOGM) developed a draft Memorandum of Understanding (MOU) that was sent to the U.S. EPA for review on May 23, 2013. The draft MOU was returned from the U.S. EPA to the DEQ's OOGM on January 13, 2014. The OOGM worked on revisions and language changes with the U.S. EPA and their legal counsel. The DEQ has received the changes from the U.S. EPA and is currently finalizing the document and obtaining signatures.

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

WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION DIVISION

Recommendation RM-8: Medical Waste Storage Accumulation Limitation (IN PROCESS)

Recommendation:

Amend the Act and/or rules governing the disposal of medical waste to require disposal of sharps that are used strictly for non-medical procedures (a) when the storage container is full, or (b) annually, whichever occurs first. The sector(s) receiving this exemption should be defined in the rules to avoid having sharps containers with different storage requirements within the same facility.

Response:

The proposal to allow Sharps used for "non-medical procedures" to be stored for more than 90 days requires amendments to Part 138, Medical Waste Regulatory Act, of the Public Health Code, 1978 PA 368, as amended. Stakeholders proposed legislation, HB 4459 of 2010, which would have allowed a longer storage period for small quantities of Sharps. A slightly different approach was taken in September 2012 with SB 1334. None of the legislation introduced to date on this issue has been enacted. The DEQ will develop rules to implement any eventual legislation as appropriate. The DEQ established the Medical Waste Stakeholders Advisory Group in December 2016 to recommend improvements to the MWRA, including how sharps storage is regulated. The recommendations are anticipated by July 2017.

Contact: Steve Sliver, (517) 284-6595 or sliverS@michigan.gov

REMEDATION AND REDEVELOPMENT DIVISION

Recommendation R-2: Part 201/213 Vapor Intrusion Policy and Procedure (IN PROCESS)

Recommendation:

The DEQ should carefully address the important vapor intrusion pathway in a manner which protects human health consistent with the best scientific evidence available. In doing so, the DEQ should: (i) allow the initial use of a conceptual site model and other site evaluation techniques before concluding the presence of a complete exposure pathway and vapor intrusion risk; (ii) allow data collection and evaluation processes consistent with the needs of business transactions, which may include greater use of real-time sampling techniques; (iii) prioritize the compilation and comparison to initial screening levels (not generic criteria) of Michigan-based data from the many sites which are known to exist and are available to the DEQ; and (iv) develop generic vapor intrusion criteria (with variations based on soil type and other site-specific features) with meaningful input from resources outside of the DEQ with particular expertise in this important area.

Response:

Three of the four proposed solutions have been implemented and the fourth is currently underway and being implemented in conjunction with the work associated with Recommendation R-3: Revising Part 201, Cleanup Criteria. The Part 201, Environmental Remediation, and Part 213, Leaking Underground Storage Tanks, of the NREPA, Guidance

Document for the Vapor Intrusion Pathway was finalized in May 2013 and posted to the [Remediation and Redevelopment Division](#) (RRD) Web site. This document details the use of a conceptual site model in evaluating the volatilization to indoor air pathway (also known as the vapor intrusion pathway) and provides guidance for data collection and evaluation processes consistent with the needs of business transactions. The RRD is working with DHHS and the Toxic Steering Group to develop appropriate screening levels for vapor intrusion. The RRD has also completed a review of the available Michigan-based soil, soil gas, and groundwater data and comparison to screening levels. Following the recommendations of the Criteria Stakeholders Advisory (CSA) Workgroup, the vapor intrusion pathway will include a tiered approach for the development of facility and site specific criterion which allows the use of certain site specific conditions (e.g. soil type, temperature) consistent with the ORR Recommendation. The update to the criteria for all hazardous substances is underway. The proposed rules include a process to implement this recommendation.

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

Recommendation R-3: Revising Part 201, Cleanup Criteria (IN PROCESS)

Recommendation:

The DEQ should evaluate the algorithms, exposure assumptions, and toxicity values used to establish generic cleanup criteria and screening levels under Section 20120a of Part 201 and Part 7, Cleanup Criteria, of the Administrative Rules, and revise those algorithms, exposure assumptions, and toxicity values as necessary based on best practices from other states,

reasonable and realistic conditions, and good science. Consistent with any such revisions, the DEQ should then revise the generic cleanup criteria and screening levels established in the Part 7 rules.

Response:

CSA Workgroup

A CSA Workgroup was convened by the DEQ on March 26, 2014. The responsibilities of the CSA Workgroup included: developing guiding principles to serve as the basis for updating the existing criteria, reviewing background white papers, reviewing reports of the technical groups, and making recommendations to the DEQ Director. The DEQ hired Public Sector Consultants to facilitate the stakeholder process. Four technical subcommittees were appointed to assist the CSA Workgroup. The Workgroup completed their report and provided a total of 29 recommendations to the Director. All of the recommendations were supported by the DEQ, and four recommendations warranted further discussion with the CSA. The update to the criteria for all hazardous substances for all pathways (including vapor intrusion) is currently underway, pursuant to the Director's response to the stakeholders' recommendations.

Current Progress

The Remediation and Redevelopment Division (RRD) is updating the Cleanup Criteria pursuant to the recommendations of the Criteria Stakeholders Advisory workgroup. The Cleanup Criteria (a.k.a. the Environmental Contamination Response Activity Administrative Rules, R 299.1 – 299.50) are undergoing a significant update to evaluate and select the most appropriate toxicological data, physical-chemical properties, and exposure assumptions for each of the 300 plus hazardous substances and associated criteria.

The update process involves a number of tasks and is expected to continue through 2017.

To keep everyone informed as to the status of the rules update, the RRD has posted information on the RRD Website at www.michigan.gov/DEQRRD.

Contact: Sue Leeming at 517-284-5091 or LeemingS@michigan.gov

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

Recommendation:

The DEQ should review the current rules relating to Part 201 - Underground Storage Tank Regulations (R 29.2101 – R 29.2174) to determine the use and relevance of the current rules.

If the department determines the rules are relevant and should be kept in place then they should review the rules with stakeholders to determine if particular rules should be updated or modified and if they exceed federal standards.

When these determinations are made, the DEQ should work with stakeholders to modify the rules and eliminate those rules that exceed the federal standards, unless the DEQ can demonstrate that state-specific rules are necessary to protect human health and the environment.

Response:

The Bureau of Fire Services has submitted a request for rulemaking to the ORR and it was approved on October 2, 2015. Please see ORR rule set number [2015-060 LR](#). The USEPA is currently reviewing the draft rules. Final promulgation of the rules is expected in 2017.

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

Recommendation:

The Storage and Handling of Gaseous and Liquefied Hydrogen program (R 29.7001 – R 29.7199) is related to fire safety and should be transferred from the DEQ to the Bureau of Fire Services (within LARA) through an executive order. Further, the Michigan-specific amendments to the national codes should be rescinded and the current national codes should be adopted by reference.

Response:

Once the revision to the UST regulations is completed, the Bureau of Fire Services will start the revisions of these rules.

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

Recommendation:

The DEQ should consider “industrial background” concentrations (otherwise known as anthropogenic contamination) when establishing cleanup goals for all hazardous substances. Specifically, R 299.5701 of Part 201, and the Part 5 and Part 10 Administrative rules should be amended, as necessary, to create a process whereby the DEQ will work with the regulated community in areas containing anthropogenic contamination. This process should include:

1. The DEQ should make existing data regarding anthropogenic contamination across the state available to the regulated community.
2. The DEQ should allow flexibility for the regulated community to develop data regarding anthropogenic contamination for particular sites.
3. At sites where anthropogenic contamination exists, there should be no obligation for an owner/operator to clean up the contamination. Rather the DEQ should work with the owner/operator to develop a due-care plan for the site.

Response:

Act 446 of 2012 amended Part 201 by amending the definition of “background concentration.” Additional amendments to Part 201 in SB 891 were passed by the Legislature, and 2015 PA 542 was signed by the Governor on January 15, 2015, which further clarifies the definition of “background concentration.” A policy on the appropriate use of the Michigan Background Soil Survey has been drafted by the Soil Background Technical and Program Support team to include information on the revised definition of “background concentration.” The draft is currently under internal review. Additionally, the DEQ completed a two-year project of collecting background soil data from existing RRD files to add to the database of background data that was used for the 2005 Michigan Background Soil Survey. The 2015 version of the Michigan

Background Soil Survey is being revised to incorporate the public comments that were received. The next step will be to review and publish the document within the upcoming months.

Contact: Sara Pearson at 517-420-3219 or pearsons@michigan.gov

Recommendation R-14: Boron Standard for Groundwater (IN PROCESS)

Recommendation:

Amend R 299.5744 to use the drinking water standard as the criteria for boron. Prior to determining to the applicability of the drinking water standard at a site, the pathway must be reviewed to determine if the impacted portion of the receiving waters is being used for purposes of irrigation. If the impacted portion of the receiving waters is being directly used for irrigation, then a lower standard may be set at the discretion of the DEQ to protect potentially sensitive crops.

Response:

The RRD attempted to update the exposure assumptions and toxicity data through stakeholder engagement in 2012 and 2013; however, consensus was not achieved. The RRD has reengaged with stakeholders to review the physical-chemical properties, toxicity endpoints, and exposure assumptions as related to the Cleanup Criteria Rules. The CSA Workgroup has developed recommendations and provided them to the Director. The update to the criteria for all hazardous substances for all pathways is in progress, pursuant to the Director's response to the Stakeholders' recommendations. Boron is one of the hazardous substances included in the criteria and will be addressed as a part of the review.

Contact: Sue Leeming at 517-284-5091 or LeemingS@michigan.gov

WATER RESOURCES DIVISION

Recommendation W-1: Part 5 – Spillage of Oil and Polluting Material Rules (IN PROCESS)

Recommendation:

1. Increase the threshold management quantity (TMQ) which triggers the need for a Pollution Incident Prevention Plan (PIPP) from 440 pounds (about 1 barrel) to a more reasonable level of 500 gallons. (R 324.2002(f)(iv)).
2. Revise the threshold reporting quantities (TRQs) in Table 1 to make all TRQs similar to the federal CERCLA RQs (many are currently only 1/10th of the federal level), or eliminate Table 1 and reference the existing CERCLA RQs for the reporting thresholds. (R 324.2009 Table 1).
3. Revise MCL 324.3111b to eliminate the requirement to call local 911. When reporting is necessary, calls are already required to the National Response Center and the DEQ PEAS hotline.
4. Eliminate the reporting requirements related to releases that go to secondary containment. (R 324.2002(b)(i)).
5. Significantly increase the reporting threshold for salt to 1,000 pounds for solids and 1,000 gallons for liquids. (R 324.2002(g)(iii)).

6. Increase the mixture threshold from its current 1% level to more of a 25 – 50% range. (R 324.2002(a)(iv)).
7. In general, revise Part 5 rules to make them easier to understand and follow. Work with regulated community to establish rules that are understandable, technically feasible, and will achieve intended results.
8. Revise the conditional exemption in R 324.2003(1)(b) to reference the current version of the SPCC regulations at 40 CFR Part 112, currently dated October 14, 2010. The current rule reference is the 1997 SPCC regulation, making the current conditional exemption useless. (R 324. 2003(1)(b)).

Response:

Stakeholders met on May 3, 2013; May 16, 2013; May 30, 2013; June 13, 2013; June 27, 2013; July 11, 2013; July 25, 2013; August 8, 2013; August 22, 2013; September 12, 2013; and November 3, 2014, to discuss changes to the rules. The Water Resources Division (WRD) provided additional information to the stakeholders on December 5, 2014. On January 15, 2015, a subgroup of the stakeholders submitted a version of the Part 5 Rules for review by the WRD. Meetings were held on January 30, 2015, March 3, 2015 and October 1, 2015. The stakeholder process is concluded now, and final pieces are being put into place to proceed with legislation and/or rule process.

Contact: Laura Verona at (586) 601-7693 or veronal@michigan.gov or Matthew Goddard at (586) 753-3780 or goddardM@michigan.gov

Recommendation W-4: Part 22- Groundwater Quality Rules (NOT STARTED)

Recommendation:

R 323.2210 should list types of discharges which do not require groundwater permits – similar to what is done in the storm water regulations. That listing should address issues such as: potable water, fire protection water, irrigation drainage, lawn watering, air conditioning condensate, and foundation or footing drains

Response:

Nothing to date.

Contact: Rick Rusz, (517) 290-2570, or ruszR@michigan.gov

Recommendation W-9: Part 22- Groundwater Quality Rules (NOT STARTED)

Recommendation:

The DEQ should pursue changes to the groundwater-discharge program in the Part 31 statute and the Part 5 and Part 22 rules to focus on specific, significant threats to groundwater. These changes should include expanding the permit-by-rule categories and eliminating categories requiring groundwater-discharge permits for projects with minimal or no impact on groundwater.

Response:

Nothing to date.

Contact: Rick Rusz, (517) 290-2570, or ruszR@michigan.gov

Recommendation W-10: Part 5 – Spillage of Oil and Polluting Material Rules (IN PROCESS)

Recommendation:

Delete the condition in R 324.2003(1)(b) requiring facilities to submit SPCC plans in order to remain exempt from the Part 5 rules.

Response:

See Recommendation W-1.

Contact: Laura Verona at 586-601-7693 or veronaL@michigan.gov or
Matthew Goddard at 586-753-3780 or goddardM@michigan.gov

Recommendation W-12: Wetland Mitigation Banks (IN PROCESS)

Recommendation:

1. The DEQ should expand the service area of mitigation banks to encourage more bank development (including in urban areas) and increase access to mitigation banks while maintaining watershed protection.
2. The DEQ should seek US Army Corps of Engineers approval of smaller mitigation banks if deemed economically feasible.
3. The DEQ should increase the on-line reporting of information on the program, including trading information, to foster greater utilization of the banking program.

Response:

Act 98 of 2013 requires the DEQ to update the Wetland Mitigation Banking rules to facilitate more economically efficient wetland mitigation banks.

Development of rules under Act 98 of 2013 has been on hold while EPA reviewed the statutory amendments to determine if the changes in the program are consistent with federal law. EPA completed review of the Act 98 of 2013 in December 2016 and found fourteen of the amendments are inconsistent with federal law. DEQ is beginning stakeholder and legislative engagement to discuss the EPA decision and develop new statutory amendments which will address the inconsistencies with federal law. The Wetland Mitigation Banking rules are on hold until the statutory issues are addressed.

Contact: Amy Lounds, (517) 284-5530, loundsA@michigan.gov

GENERAL

Recommendation G-2: Treatment of DEQ Non-Rule Regulatory Actions (IN PROCESS)

Recommendation:

Take the following actions with regard to DEQ guidance documents, educational documents, and forms by the stated deadlines.

Guidance Documents

- Rescind DEQ Policy and Procedures No. 01-019 (Policy Development, Revision and Rescission [1/12/07]) and No. 09-012 (Policy Guidance Document Development, Revision, and Use [12/30/09]). **Complete by December 31, 2011.**

Develop a new comprehensive DEQ policy that addresses department policy, division policy, guidance documents and guidelines. For the most part, department and division policies will address internal administrative or personnel procedures. “Guidance documents” will contain all rule and statute interpretations, and/or will contain any policy/procedure that provides guidance to those regulated by the DEQ. Guidance documents will provide a particular path to compliance with a rule or statute. The regulated community may choose this path or follow a different one. If the issue involves an interpretation of a rule and/or statute, stakeholder input will be obtained. For consistency, a template for guidance documents will be created and utilized by the divisions. Finally, the new DEQ policy will provide an alternative approach to a guidance document which is a “Guideline” as defined by Administrative Procedures Act, 1969 PA 306, as amended. **Complete by December 31, 2011.**

- Create a DEQ Web page for guidance documents which will be categorized by division or office. **Complete by December 31, 2011.**
- For those division policies that are draft or interim, the division should either rescind or finalize through the guidance document process. **Complete by June 1, 2012.**
- Each division shall review their existing non-rule regulatory actions. Those meeting the definition of a guidance document (i.e., of interest to the regulated community and/or interpret regulations) shall be converted into the new template and posted on the Web page. If a division policy interprets rules or statute and had stakeholder input and no other substantive changes are being made, it can be directly converted into a guidance document without going through stakeholder input for a second time. Note: The DEQ Executive Division will provide each Division a spreadsheet containing all of the division’s non-rule regulatory actions that was compiled for the ORR in July 2011. Those division policies not converted by the deadline shall not be relied on. **Complete by December 31, 2012.**
- Divisions shall review internal memos, letters and other documents and where appropriate, convert them into a guidance document following the procedures identified above. **Ongoing.**

Educational Documents and Forms

- Develop two new DEQ policies providing guidance to DEQ staff on the production of educational publications and forms. **Complete by December 31, 2011.**
- Update the DEQ Forms and DEQ Educational Publication online databases. **Complete by June 1, 2012.**

Response:

The DEQ has reviewed and posted all of their public [forms](#) on the DEQ Public Forms Database. Go to www.michigan.gov/deq | Key Topics | Forms.

Existing DEQ Policy and Procedure No. 01-019 and No.09-012 have been superseded by a new department policy. The new policy, "Department Policy and Procedure, Division Policy and Procedure, and Administrative Procedures Act Guideline Development, Revision, Rescission, and Use, No. 09-013" will improve the consistency and accessibility of all of the department and division policy and procedures. External and some internal [policies](#) that would be beneficial to the public are being posted on the Internet. Go to www.michigan.gov/deq | Key Topics | Policy and Procedures. Not all of the Department's policies have been converted to the new template and posted. This is a work in progress.

DEQ divisions and offices are reviewing all of their publications. Outdated publications will either be removed or updated. This is a work in progress.

Contact: Dave Fiedler, (517) 284-6705, fiedlerD@michigan.gov