DEQ	OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: October 10, 1996 **Revised Date:** **Reformatted Date:** April 3, 2013	**Subject:** Hydraulic Fracturing of Water Wells **Division/Office and Program Names:** ODWMA-Well Construction Program **Number:** ODWMA-368-127-005	Page: 1 of 3	**Category:** ☐ Internal/Administrative ☐ External/Noninterpretive ☒ External/Interpretive

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

Hydraulic Fracturing (also known as "hydrofracturing" or "hydrofracking") is a process where liquids or gases are pressurized within a confined area of a water well borehole to open existing bedrock fractures or part of the bedrock matrix to increase permeability.

The use of improper methods or performing hydraulic fracturing in certain geologic settings may result in well contamination or aquifer impairment. R 325.1637 of the Groundwater Quality Control Rules states "Hydraulic fracturing of bedrock is not permitted without the prior written approval of the health officer." Since the rule does not include specifics on how the local health department (LHD) Health Officer can assess if hydraulic fracturing should be approved, this policy and procedure and the accompanying technical manual provide a basis for issuing permits for hydraulic fracturing of water wells.

AUTHORITY:

R 325.1637, Rule 137(3), of the Groundwater Quality Control Rules, R 325.1601 *et seq.*, adopted under authority of Part 127, Water Supply and Sewer Systems, of the Public Health Code, 1978 PA 368, as amended, the Michigan Water Well Construction and Pump Installation Code, being MCL 333.12701 *et seq.* (Code).

STAKEHOLDER INVOLVEMENT:

The technical manual associated with this policy and procedure was developed by a stakeholder group that met nine times from late 1994 through early 1996. The stakeholder working group consisted of a well drilling contractor experienced in hydraulic fracturing, a consultant Geologist, the District Geologist for the Michigan Department of Natural Resources, an Environmental Health Sanitarian from the Michigan Department of Public Health, an Environmental Engineer from the Michigan Department of Public Health, and the Division of Environmental Health Supervisor and an Environmental Health Sanitarian from the Marquette County Health Department.

During this policy and procedure development, stakeholder involvement was expanded beyond the working group. Early in the process, a survey was sent to all well drilling contractors

operating in the Upper Peninsula of Michigan eliciting data and opinion relevant to the policy and procedure and technical manual development. Once prepared, the draft policy and procedure and technical manual were sent for peer review by a select group of well drilling contractors and LHD Environmental Health Supervisors. The final version was supported by the Ground Water Advisory Committee.

DEFINITIONS: Contained in the policy technical manual.

POLICY:

When a well regulated under Part 127 and/or under a local sanitary code is proposed to be hydraulically fractured, the request for approval shall be directed to the LHD Health Officer.

When a Type I public well is proposed to be hydraulically fractured, written approval shall be obtained from the DEQ, Office of Drinking Water and Municipal Assistance's (ODWMA) district engineer who is responsible for issuing the permit under the Safe Drinking Water Act, 1976 PA 399, as amended. The district engineer shall consult with the LHD and ODWMA, Well Construction Program, staff before granting written permission.

The ***Hydraulic Fracturing Request Review Policy***, otherwise known as the technical manual, shall be used by the reviewing agency (LHD or DEQ) to process the hydraulic fracturing request. The reviewing agency's approval or denial for hydraulic fracturing may be transmitted to the well owner or well drilling contractor using the ***Hydraulic Fracturing Request Approval/Denial Form***, which is included in the ***Hydraulic Fracturing Request Review Policy.***

PROCEDURES:

WHO	DOES WHAT
Water well drilling contractor or well owner	Submits application to LHD to hydraulically fracture water well for all well types except Type I public wells. Applications to hydraulically fracture Type I public wells shall be submitted to the DEQ.
LHD Health Officer or DEQ District Engineer	Reviews application in accordance with policy.
LHD Health Officer	If minimum isolation distances as defined in the policy technical manual are not met, the LHD Health Officer requests review by ODWMA, Well Construction Program, staff.
DEQ District Engineer	Consults with Well Construction Program staff and with LHD.
Well Construction Program staff	When consulted, provides recommendations regarding hydraulic fracturing of the well to the LHD Health Officer and/or DEQ District Engineer.
LHD Health Officer or DEQ District Engineer	Issues permit/authorization or denial to hydraulically fracture a well.

REFERENCE:

Hydraulic Fracturing Request Review Policy, otherwise known as the technical manual

OFFICE CHIEF APPROVAL:

Liane J. Shekter Smith, P.E., Chief — 3/15/2013
Office of Drinking Water and Municipal Assistance — Date

DEPUTY DIRECTOR APPROVAL:

Jim Sygo, Deputy Director — 4/3/2013
Date