

# Michigan Register

Issue No. 5– 2015 (Published April 1, 2015)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 5— 2015

(This issue, published April 1, 2015, contains  
documents filed from March 1, 2015 to March 15, 2015)

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**Rick Snyder, Governor**



**Brian Calley, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

**24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.**

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

**4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.**

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: [www.michigan.gov/orr](http://www.michigan.gov/orr).

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director  
Licensing and Regulatory Affairs

## 2015 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2015	February 1, 2015
2	February 1, 2015	February 15, 2015
3	February 15, 2015	March 1, 2015
4	March 1, 2015	March 15, 2015
5	March 15, 2015	April 1, 2015
6	April 1, 2015	April 15, 2015
7	April 15, 2015	May 1, 2015
8	May 1, 2015	May 15, 2015
9	May 15, 2015	June 1, 2015
10	June 1, 2015	June 15, 2015
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17	September 15, 2015	October 1, 2015
18	October 1, 2015	October 15, 2015
19	October 15, 2015	November 1, 2015
20	November 1, 2015	November 15, 2015
21	November 15, 2015	December 1, 2015
22	December 1, 2015	December 15, 2015
23	December 15, 2015	January 1, 2016
24	January 1, 2016	January 15, 2016

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**ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF OIL, GAS, AND MINERALS

OIL AND GAS OPERATIONS

Filed with the Secretary of State on March 11, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the supervisor of wells and the director of the department of environmental quality by section 61506 of 1994 PA 451, MCL 324.61506, sections 9 and 251 of 1965 PA 380, MCL 16.109 and 16.251, and Executive Reorganization Order No. 1991-22, MCL 299.13)

R 324.102, R 324.103, R 324.201, R 324.202, R 324.203, R 324.206, R 324.210, R 324.301, R 324.302, R 324.303, R 324.304, R 324.407, R 324.411, R 324.413, R 324.418, R 324.503, R 324.511, R 324.613, R 324.705, R 324.801, R 324.1015, R 324.1103, R 324.1202, R 324.1204, and R 324.1206 of the Michigan Administrative Code are amended and R 324.1401, R 1402, R 324.1403, R 324.1404, R 324.1405, and R 324.1406 are added as follows:

PART 1. GENERAL PROVISIONS

R 324.102 Definitions; A to M.

Rule 102. As used in these rules:

- (a) “Act” means 1994 PA 451, MCL 324.101 to 324.90106.
- (b) “ANSI” means the American national standards institute.
- (c) “API” means the American petroleum institute.
- (d) Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.
- (e) “Authorized representative of the supervisor” means a department of environmental quality employee who is charged with the responsibility for implementation of the act or these rules.
- (f) “Blowout prevention equipment” means a casinghead control device designed to control the flow of fluids from the well bore by closing around the drill pipe or production tubing or completely sealing the hole in the absence of drill pipe or production tubing.
- (g) “Bottom hole” means the terminus of a wellbore.
- (h) “Brine” means all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas, or both.
- (i) “Central production facility” means production equipment that has been consolidated at a central location that provides for the commingling of oil or gas production, or both, from 2 or more wells or production units of diverse ownership or from 2 or more prorated wells or production units.
- (j) “Conformance bond” means a surety bond that has been executed by a surety company authorized to do business in this state, cash, certificates of deposit, letters of credit, or other securities that are filed by

a person and accepted by the supervisor to ensure compliance with the act, these rules, permit conditions, instructions, orders of the supervisor, or an order of the department of environmental quality.

(k) “Directionally drilled well,” means a well purposely deviated from the vertical using controlled angles to reach an objective location.

(l) “Drilling completion” means the time when a well has reached its permitted depth or the supervisor has determined drilling has ceased.

(m) “Drilling operations” means all of the physical and mechanical aspects of constructing a well for the exploration or production of oil or gas, or both, for injection of fluids associated with the production of oil or gas, or both, or the storage of natural hydrocarbons or liquefied petroleum gas derived from oil or gas, and includes all of the following:

(i) Moving drilling equipment onto the drill site.

(ii) Penetration of the ground by the drill bit and drilling of the well bore.

(iii) Casing and sealing of the well bore.

(iv) Construction of well sites and access roads.

(n) “Drilling unit” means the area prescribed by an applicable well spacing rule or order for the granting of a permit for the drilling and operation of an oil or gas well, or both.

(o) “Facility piping” means piping that connects any of the following:

(i) Compressors.

(ii) Flares.

(iii) Loadouts.

(iv) Separators.

(v) Storage tanks.

(vi) Transfer pumps.

(vii) Treatment equipment.

(viii) Vents.

(p) “Fence” means a structure that is designed to deter access and consists of not less than 2 strands of barbed wire, 1 strand being approximately 18 inches above the ground and the other strand being approximately 42 inches above the ground, secured to supporting posts or means an equivalent structure that deters access.

(q) “Final completion” means the time when locating, drilling, deepening, converting, operating, producing, reworking, plugging, and proper site restoration have been performed on a well in a manner approved by the supervisor, including the filing of the mandatory records, and when the conformance bond has been released.

(r) “Flow line” means piping that connects a well or wells to a surface facility.

(s) “Fresh water” means water that is free of contamination in concentrations that may cause disease or harmful physiological effects and is safe for human consumption.

(t) “Gas storage” means the use of a depleted oil or gas pool, salt cavern, or other porous strata utilized for the purpose of injecting and withdrawing gas from the depleted oil or gas pool, salt cavern, or other porous strata.

(u) “Gathering line” means a pipeline that transports natural gas from a surface facility to a transmission pipeline.

(v) “Geologist” means a person who is certified as a geologist by a credible geological professional association or who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of geology acquired by professional education and practical experience, is qualified to engage in the practice of the science of geology.

(w) “Groundwater” means water below the land surface in the zone of saturation.

(x) “Injection well” means a well used to dispose of, into underground strata, waste fluids produced

incidental to oil and gas operations or a well used to inject water, gas, air, brine, or other fluids for the purpose of increasing the ultimate recovery of hydrocarbons from a reservoir or for the storage of hydrocarbons.

(y) “Instruction” means a written statement of general applicability, which is issued by the supervisor, conforms with the act and rules promulgated under the act, and clarifies or explains the applicability of the act or rules to commonly recurring facts or circumstances.

(z) “Multiple zone completion” means a well constructed and operated to separately produce oil or gas, or both, from more than 1 reservoir through 1 well bore.

### R 324.103 Definitions; N to Z.

Rule 103. As used in these rules:

(a) “Nuisance odor” means an emission of any gas, vapor, fume, or mist, or combination thereof, from a well or its associated surface facilities, in whatever quantities, that causes, either alone or in reaction with other air contaminants, injurious effects to human health or safety; unreasonable injurious effects to animal life, plant life of significant value, or property; or unreasonable interference with the comfortable enjoyment of life or property.

(b) “Oil and gas operations” means permitting activities required under R 324.201, drilling operations, well completion operations, operation of oil and gas wells, plugging operations, and site restoration.

(c) “Operation of oil and gas wells” means the process of producing oil or gas, or both, or the storage of natural hydrocarbons or liquefied petroleum gas, including all of the following:

- (i) Production, pumping, and flowing.
- (ii) Processing.
- (iii) Gathering.
- (iv) Compressing.
- (v) Treating.
- (vi) Transporting.
- (vii) Conditioning.
- (viii) Brine removal and disposal.
- (ix) Separating.
- (x) Storing.
- (xi) Injecting.
- (xii) Testing.
- (xiii) Reporting.
- (xiv) Maintenance and use of surface facilities.
- (xv) Secondary recovery.

(d) “Organization report” means a listing of all corporate officers, directors, incorporators, partners, or shareholders who have the authority to make, or are responsible for making, operational decisions, including the siting, drilling, operating, producing, reworking, and plugging of wells.

(e) “Permit” means a permit to drill and operate an oil or gas well, or both, or an injection well, including associated surface facilities and flow lines.

(f) “Plugging operations” means the sealing of the fluids in the strata penetrated by an oil or gas well, or both, upon abandonment of the well or a portion of the well bore, so that the fluid from one stratum will not escape into another or to the surface.

(g) “Ppm” means parts per million by volume.

(h) “Producing interval” means any section of a wellbore that is open to, or intended to be open to, a formation or part of a formation that is intended to produce or is capable of producing oil or gas, or both, after well completion operations. The section of the wellbore may be open to the formation or part of the

formation by any means, and may include but is not limited to, a section of a wellbore that is either uncased or has perforated casing.

(i) “Psi” means pounds per square inch.

(j) “Psig” means pounds per square inch gauge.

(k) “Secondary recovery” means the introduction or utilization of fluid or energy into or within a pool for the purpose of increasing the ultimate recovery of hydrocarbons from the pool.

(l) “Shut-in” means an action by a permittee to close down a producing well, a well capable of producing, or an injection well temporarily for any of the following reasons:

(i) Repair.

(ii) Cleaning out.

(iii) Building up reservoir pressure.

(iv) Planning for secondary recovery.

(v) Other injection projects.

(vi) While awaiting connection of a sales line.

(vii) Lack of a market.

(m) “Site restoration” means all of the following:

(i) The filling and leveling of all cellars, pits, and excavations.

(ii) The removal or elimination of all debris.

(iii) The elimination of all conditions that may create a fire or pollution hazard.

(iv) The minimization of erosion.

(v) The restoration of the well site as nearly as practicable to the original land contour or to a condition approved by the supervisor.

(n) “Structure used for public or private occupancy,” means a residential dwelling or place of business, place of worship, school, hospital, government building, or other building where people are usually present at least 4 hours per day.

(o) “Supervisor” means the director of the department of environmental quality or his or her assistants as approved by the director of the department of environmental quality.

(p) “Surface casing” means the casing string or strings used primarily for protecting fresh water or mineralized water resources from potential contamination during the drilling and operation of an oil or gas well, or both.

(q) “Surface facility” means a facility used in the injection of fluids or in the production, processing, or treatment of oil or gas, or both, including any of the following:

(i) Pumping equipment.

(ii) Fluid disposal equipment.

(iii) Facility piping.

(iv) Load outs.

(v) Separators.

(vi) Storage tanks.

(vii) Treatment equipment.

(viii) Compressors.

(r) “Surface water” means a body of water, and the associated sediments, which has a top surface that is exposed to the atmosphere and is not solely for wastewater conveyance, treatment, or control. Surface water may be any of the following:

(i) A Great Lake or its connecting waters.

(ii) An inland lake or pond.

(iii) A river or stream, including intermittent streams.

(iv) An impoundment.

- (v) An open drain.
- (vi) A wetland.
- (s) “Underground source of drinking water” means an aquifer or portion of an aquifer that satisfies either of the following criteria:
  - (i) The aquifer or portion thereof supplies a public water system.
  - (ii) The aquifer or portion thereof contains a sufficient quantity of ground water to supply a public water system and meets either of the following criteria:
    - (A) The aquifer or portion thereof currently supplies drinking water for human consumption.
    - (B) The aquifer or portion thereof contains ground water that has fewer than 10,000 milligrams per liter total dissolved solids.
- (t) “Well completion” means the time when a well has been tested and found to be incapable of producing hydrocarbons in commercial quantities and has been plugged or has been found capable of producing commercial quantities of hydrocarbons or when the well has been equipped to perform the service for which it was intended.
- (u) “Well completion operations” means work performed in an oil or gas well, or both, after the well has been drilled to its permitted depth and the production string of casing has been set, including perforating, artificial stimulation, and production testing.
- (v) “Well location” means the surface location of a well.
- (w) “Zoned residential” means a geographic area that was zoned by a local unit of government before January 8, 1993, as an area designated principally for permanent or recreational residences.

## PART 2. PERMITS TO DRILL AND OPERATE

R 324.201 Application for permit to drill and operate requirements; issuance of permit.

Rule 201. (1) Until a person has complied with the requirements of subrule (2) of this rule, a person shall not begin the drilling or operation of a well for any of the following:

- (a) Oil or gas, or both.
  - (b) Injection for secondary recovery.
  - (c) Injection for the disposal of brine, oil or gas field waste, or other fluids incidental to the drilling, producing, or treating of wells for oil or gas, or both, or the storage of natural hydrocarbons or liquefied petroleum gas derived from oil or gas.
  - (d) Injection or withdrawal for the storage of natural dry gas or oil well gas.
  - (e) Injection or withdrawal for the storage of liquid hydrocarbons or liquefied petroleum gas.
- (2) A permit applicant shall comply with all of the following permit application requirements:
- (a) The exact well location shall be surveyed by a surveyor licensed in this state, a readily visible stake or marker shall be set at the well location, and a flagged route shall be established to the well location.
  - (b) The survey required by subdivision (a) of this subrule shall include a plat that shows all of the following:
    - (i) The correct well location and bottom hole location description.
    - (ii) A flagged route or explanation of how the well location may be reached.
    - (iii) Footages from the nearest section, quarter section, and drilling unit lines.
    - (iv) Information relative to the approximate distances and directions from the stake or marker to special hazards or conditions, including all of the following:
      - (A) Surface waters and other environmentally sensitive areas within 1,320 feet of the proposed well. Environmentally sensitive areas are identified by the department pursuant to applicable state and federal laws and regulations.
      - (B) Floodplains associated with surface waters within 1,320 feet of the proposed well.

(C) Wetlands, as identified by the provisions of sections 30301 to 30323 of the act, within 1,320 feet of the proposed well.

(D) Natural rivers, as identified by the provisions of sections 30501 to 30515 of the act, within 1,320 feet of the proposed well.

(E) Critical dune areas, as designated by the provisions of sections 35301 to 35326 of the act, within 1,320 feet of the proposed well.

(F) Threatened or endangered species, as identified by the provisions of sections 36501 to 36507 of the act, within 1,320 feet of the proposed well.

(G) All buildings, recorded fresh water wells and reasonably identifiable fresh water wells utilized for human consumption, public roads, pipelines, and power lines that lie within 600 feet of the proposed well location.

(H) All public water supply wells identified as type I and IIa that lie within 2,000 feet of the proposed well location and type IIb and III that lie within 800 feet of the proposed well location, as defined in 1976 PA 399, MCL 325.1001 to 325.1023.

(I) Identification of the existing local zoning designation of the surface location of the well.

(c) If the applicant intends to utilize high volume hydraulic fracturing, the application shall include a list showing the specific identity and associated CAS number of each chemical constituent the applicant anticipates will be added to the primary carrier fluid, except that the specific identities and CAS numbers of trade secret chemicals may be withheld under the provisions of paragraph (i) of this rule.

(i) If the specific identity of a chemical constituent and its associated CAS number are a trade secret, the applicant may withhold the specific identity of the chemical constituent and its associated CAS number, but shall list the chemical family associated with the chemical constituent, or provide a similar description, and provide a statement that a claim of trade secret protection has been made by the entity entitled to make such a claim.

(ii) Listing of a chemical constituent under the requirements of this subdivision does not preclude a permittee from utilizing other chemical constituents in a high volume hydraulic fracturing operation; however, the chemical constituents actually used shall be submitted under the requirements of rule 1406 of these rules.

(d) One signed and sealed copy of the survey, on a form prescribed by the supervisor, shall be filed with an application for a permit to drill and operate or e-filed using a procedure approved by the supervisor.

(e) A person applying to drill and operate a well shall completely and accurately fill out, sign, and file a written application for a permit to drill on a form prescribed by the supervisor or e-filed using a procedure approved by the supervisor. The application shall be submitted to the supervisor at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, and a copy of the first page of the permit application shall be mailed to the clerk of the county and the surface owner of record of the land on which the well location is to be located within 7 days of submitting the permit application by first-class United States mail addressed to the surface owner's last known address as evidenced by the current property tax roll records.

(f) When the proposed well location is in or adjacent to any areas described in subdivision (b)(iv)(A) or (B) of this subrule, a person shall file for and obtain all applicable permits from the department of environmental quality before developing the well site or access to the well site or before drilling of the well. The person shall also file for and obtain any additional permits that may be required before the installation of flow lines or production equipment or before operating the well.

(g) A person shall file an environmental impact assessment as instructed by the supervisor.

(h) A person shall file an organization report if a current organization report is not on file with the supervisor.

(i) A person shall file a conformance bond or statement of financial responsibility pursuant to R 324.210.

(j) A person shall pay the fee as specified by statute. A fee filed with an application shall not be applied to a subsequent application. The fee shall be returned if a permit is not issued.

(k) All of the following additional information shall be submitted with an application for a permit to drill and operate an injection well or to convert a previously drilled well to an injection well:

(i) A plat that shows the location and total depth of the proposed injection well, shows each abandoned, producing, or drilling well and dry hole within 1,320 feet of the proposed injection well location, and identifies the surface owner of the land on which the proposed injection well location is to be located and each operator of a producing leasehold within 1,320 feet of the proposed injection well location.

(ii) If a well is proposed to be converted to an injection well, a copy of the completion report, together with the written geologic description log or record filed pursuant to R 324.418(a) and borehole and stratum evaluation logs filed pursuant to R 324.419(1). The permittee shall also file an application for change of well status pursuant to R 324.511.

(iii) Plugging records of all abandoned wells and casing, sealing, and completion records of all other wells within 1,320 feet of the proposed injection well location. An applicant shall also submit a plan reflecting the steps or modifications believed necessary to prevent proposed injected fluids from migrating up, into, or through inadequately plugged, sealed, or completed wells.

(iv) A schematic diagram of the proposed injection well that shows all of the following information:

(A) The total depth or plug-back depth of the proposed injection well.

(B) The true vertical depth and thickness of the disposal or injection interval.

(C) The geological name of the disposal interval.

(D) The geological name and the top and bottom depths of all fresh water strata to be penetrated.

(E) The depths of the top and bottom of the casing or casings and cement to be used in the proposed injection well.

(F) The size of the casing and tubing and the depth of the packer.

(v) Information confirming that injection of liquids into the proposed zone will not exceed the fracture pressure gradient or, information showing that injection into the proposed geological strata will not initiate fractures through the overlying strata.

(vi) Proposed operating data, excluding injection wells utilized for gas storage, including all of the following data:

(A) The daily injection rates and pressures.

(B) The types of fluids to be injected.

(C) A qualitative and quantitative analysis of a representative sample of fluids to be injected. A chemical analysis shall be prepared for each type of fluid to be injected showing specific conductance as an indication of the dissolved solids and a determination of the concentration of the following parameters for chemical balance and indicators for comparison of water quality:

Cations	Anions
Calcium	Chloride
Sodium	Sulfate
Magnesium	Bicarbonate
Potassium	

However, if the fluid to be injected is fresh water, then an analysis is not required.

(D) The geological name of the injection strata and the vertical distance separating the top of the injection strata from the base of the deepest underground source of drinking water.

(E) A plan for conducting 5-year mechanical integrity tests of casing pursuant to R 324.805.

(vii) For a proposed injection well to dispose of oil or gas field waste, or both, into a zone that would

likely constitute a producing oil or gas pool, a list of all offset operators and certification that the person making application for an injection well has notified all offset operators of the person's intention by certified mail. If within 21 days after the mailing date a substantive objection is filed with the supervisor by an offset operator, then the application shall not be granted without a hearing pursuant to part 12 of these rules. A hearing may also be scheduled by the supervisor to determine the need or desirability of granting permission for the proposed injection well.

(viii) A proposed plugging and abandonment plan.

(ix) Information demonstrating that construction of the well will prevent the movement of fluid containing any contaminant into an underground source of drinking water.

(1) A person shall receive and post the permit in a conspicuous place at the well location. The permit shall remain posted at the well location until well completion.

(3) A person who desires to directionally drill a well shall apply for and obtain a permit to drill and operate as provided in this rule. The application to drill a directionally drilled well shall include, in addition to the information specified in subrule (2) of this rule, all of the following information:

(a) The depth at which deviation from vertical is planned.

(b) The angle and path of each deviation.

(c) The proposed horizontal distance and direction from the well location to the bottom hole.

(d) The well's measured and true vertical depths.

(4) The supervisor shall process a permit application for a well and issue or deny a permit to drill and operate pursuant to section 61525 of the act. Pursuant to R 324.205, the supervisor shall not issue a permit to a person or an authorized representative of a person if the person is not eligible for a permit.

#### R 324.202 Directional redrilling.

Rule 202. (1) A permittee of a well who desires to directionally redrill an existing well to a different bottom hole location shall file an application for a new permit. The application shall set forth, in detail, the new bottom hole location and identify the plug-back depth of the existing well and shall be filed under R 324.201(3). The directional redrilling shall not be commenced until the application has been approved by the supervisor or authorized representative of the supervisor, except as provided in subrule (2) of this rule. A new permit and an additional fee shall be required.

(2) A permittee of a well who desires to directionally redrill an existing permitted drilling well to a different bottom hole location with the drilling rig then on location shall obtain approval from the supervisor or authorized representative of the supervisor. Approval to redrill shall be obtained by contacting the authorized representative of the supervisor in person or by telephone and providing pertinent details of the proposed directional redrilling. Approval may be granted immediately if all of the following provisions are complied with:

(a) The existing drilled hole is plugged back before starting the new directional hole under the provisions of these rules.

(b) The permittee provides an adequate description of the proposed directional redrill, including the depth, angle, and path of the deviation, and the bottom hole location.

(c) The well has adequate bonding or a statement of financial responsibility has been filed under R 324.210.

(3) If approval to directionally redrill is granted, a permittee of a well shall obtain a new permit and pay an additional fee. The application for a new permit and additional fee shall be filed within 10 days at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909. In addition to other enforcement actions, failure to comply with this subrule shall be cause for immediate suspension of any or all components of the oil and gas operations on the well.

(4) A well log and plugging record shall be filed on the plugged-back hole under these rules.

R 324.203 Lost holes.

Rule 203. (1) A permittee of a well shall obtain approval to skid a rig or move to start a new hole when a hole has been lost. A new permit or additional fee is not required if the new well location is within 165 feet of the lost hole and the drilling unit is not changed.

(2) A permittee of a well may obtain approval for skidding a rig or moving to a new well location because of a lost hole from the authorized representative of the supervisor in person or by telephone. Approval may be granted immediately if all of the following provisions are complied with:

(a) The lost hole shall be plugged before starting the replacement hole under the provisions of these rules.

(b) The new well location shall be made at a safe distance from the lost hole.

(c) The permittee provides an adequate description of the new bottom hole location.

(d) The new well location shall not create surface waste.

(e) An amended application with corrected attachments and supplements shall be filed within 5 business days at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909. In addition to other enforcement actions, failure to comply with this subrule shall be cause for suspension of any or all components of the oil and gas operations on the well.

(f) A well log and well plugging record shall be filed on all lost holes under the provisions of these rules.

R 324.206 Modification of permits; deepening permits; change of ownership.

Rule 206. (1) A permit shall not be transferred to a location outside of the drilling unit.

(2) A permittee of a well who has not initiated drilling of a well shall not do either of the following:

(a) Change the well location within the drilling unit without the prior approval of the supervisor or authorized representative of the supervisor. To receive approval, a permittee shall return the permit to the Lansing office of the supervisor together with a revised application with corrected attachments and supplements. If the permittee requests a change in the well location, then a new permit and an additional fee are required. Drilling shall not begin until the new permit or revised permit has been issued by the supervisor or authorized representative of the supervisor and posted at the drilling site.

(b) Change the method of drilling, casing and sealing programs, or other conditions of the permit without the prior approval of the supervisor or authorized representative of the supervisor. To receive approval, the permittee shall return the permit to the Lansing office of the supervisor together with a revised application with corrected attachments and supplements. If the permittee only requests a modification of the existing permit conditions, then an additional fee is not required. Drilling shall not begin until the revised permit has been approved by the supervisor or authorized representative of the supervisor and posted at the drilling site.

(3) A permittee of a well who begins the drilling of a well and encounters drilling problems or other drilling conditions that necessitate a change shall not do either of the following:

(a) Change the well location within the drilling unit, other than as provided by R 324.203, without the prior approval of the supervisor or authorized representative of the supervisor. To receive approval to change the well location, the permittee shall return the permit to the Lansing office of the supervisor together with a revised application with corrected attachments and supplements. Drilling shall not begin at the new location until the new permit has been issued by the supervisor or authorized representative of the supervisor. A new permit and an additional fee are required.

(b) Change the method of drilling, casing and sealing programs, or other conditions of the permit

without the prior approval of the supervisor or authorized representative of the supervisor. To receive approval to modify an existing permit condition only, the permittee shall contact the supervisor or authorized representative of the supervisor by letter, telephone, or visit and explain the drilling circumstances and request the necessary changes to the permit. The supervisor or authorized representative of the supervisor may give verbal approval to modify the permit with conditions for additional reporting requirements by the permittee. If approval to modify an existing permit is granted, then the revised permit and corrected attachments and supplements shall be filed, within 10 days, at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909. An additional permit fee is not required.

(4) A permittee of a well who desires to deepen a well below the permitted stratigraphic or producing horizon where well completion has occurred shall file an application for a deepening permit. The application shall set forth, in detail, the new proposed total depth and the plan for casing and sealing off the oil, gas, brine, or fresh water strata to be found, or expected to be found, in the deepening operation. The deepening operation shall not be commenced until the application has been approved by the supervisor or authorized representative of the supervisor. A deepening permit and an additional fee are required.

(5) A permittee of a well who desires to continue the drilling of a well below the permitted depth, but within the permitted stratigraphic or producing horizon where drilling completion or well completion has occurred, shall file an application for change of well status pursuant to R 324.511. The application shall set forth, in detail, the new proposed total depth and the plan for casing and sealing off the oil, gas, brine, or fresh water strata found, or expected to be found, when drilling is continued. The approval of the change of well status shall serve to revise the permit to reflect the new permitted depth. The continuation of drilling shall not be commenced until the application for change of well status has been approved by the supervisor or authorized representative of the supervisor. To obtain approval to continue the drilling below the permitted depth, but within the permitted stratigraphic or producing horizon with the drilling rig then on location, the permittee shall contact the supervisor or authorized representative of the supervisor by letter, telephone, or visit and explain the circumstances for the request to continue the drilling. The supervisor or authorized representative may give verbal approval to continue the drilling below the permitted depth, but within the permitted stratigraphic or producing horizon. If approval to continue the drilling is granted, then the permittee shall file the application for change of well status pursuant to R 324.511, within 10 days of approval, at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909. An additional permit fee is not required.

(6) If a permittee of a well conveys his or her rights as an owner of a well to another person, or ceases to be the authorized representative of the owner of a well, before final completion, then a request for the transfer of the permit to the acquiring person shall be submitted by the acquiring person to the supervisor at the offices of the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, on forms as prescribed by the supervisor. The transfer of the permit may be approved upon receipt of a properly completed request, including the signatures of the permittee of record and the acquiring person, and upon the filing by the acquiring person of the conformance bond or a statement of financial responsibility as required by R 324.210. Pending the transfer of the existing permit, the acquiring person shall not operate the well. The acquiring person shall be required to file an organization report pursuant to R 324.201(2)(g).

(7) A permit for a well shall not be transferred to a person who has been determined to be in violation of any of the following until the permittee has corrected the violation or the supervisor has accepted a compliance schedule and a written agreement has been reached to correct the violations:

(a) The act.

- (b) These rules.
- (c) Permit conditions.
- (d) Instructions.
- (e) Orders of the supervisor.
- (f) An order of the department of environmental quality.

An additional conformance bond covering the period of the compliance schedule may be required. The conformance bond shall be in addition to the conformance bonds filed pursuant to R 324.212(a) or (b).

(8) If the permittee of a well is under notice because of unsatisfactory conditions at the well site involved in the transfer, then the permit for a well shall not be transferred to a person until the permittee has completed the necessary corrective actions or the acquiring person has entered into a written agreement to correct all of the unsatisfactory conditions.

**R 324.210 Conformance bond or statement of financial responsibility requirements.**

Rule 210. (1) A person who files an application for a permit to drill and operate a well under R 324.201, or who acquires a well under R 324.206(6), shall file a conformance bond with the supervisor on a form prescribed by the supervisor or shall submit a statement of financial responsibility under subrule (2) of this rule.

(2) A statement of financial responsibility shall consist of all of the following:

(a) A written statement which is signed by the person, which lists data that show that the person meets the criteria specified in subrule (3) of this rule, and which states that the data are derived from an independently audited year-end financial statement.

(b) A copy of an independent certified public accountant's report on examination of the person's financial statements for the latest completed fiscal year.

(c) A special report from the person's independent certified public accountant stating that the accountant has compared the data listed in the statement provided under subdivision (a) of this subrule with the amounts in the corresponding year-end financial statement and that nothing came to the attention of the accountant which caused the accountant to believe that the financial records should be adjusted.

(3) When a person submits a statement of financial responsibility instead of a conformance bond, a person shall meet the criteria of either subdivision (a) or (b) of this subrule, as follows:

(a) A person required to file the statement of financial responsibility shall have all of the following:

(i) Two of the following 3 ratios:

(A) A ratio of total liabilities to net worth of less than 2.0.

(B) A ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities of more than 0.1.

(C) A ratio of current assets to current liabilities of more than 1.5. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.

(ii) Net working capital and tangible net worth each of which is not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond.

(iii) Total assets in this state that are not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.

(iv) A written statement from a certified public accountant which states that no matter came to the attention of the accountant which caused him or her to believe that the financial records should be adjusted.

- (b) A person required to file a statement of financial responsibility shall have all of the following:
- (i) A current rating for his or her most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's.
  - (ii) A tangible net worth of not less than \$2,000,000.00.
  - (iii) Total assets in this state that are not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.
- (4) A person shall submit a statement of financial responsibility to the supervisor not less than 60 days before the date the financial assurance is scheduled to take effect.
- (5) After the initial submission of a statement of financial responsibility, the person shall send an updated statement of financial responsibility to the supervisor within 90 days after the close of each succeeding fiscal year.
- (6) If a person no longer meets the requirements of subrule (3) of this rule, he or she shall send notice to the supervisor of the intent to establish alternate financial assurance by filing a conformance bond as specified in subrule (1) of this rule. The notice shall be sent, by certified mail, within 90 days after the end of the fiscal year for which the year-end review of the financial records shows that the person no longer meets the requirements. The person shall provide the alternate financial assurance within 120 days after the end of the fiscal year.
- (7) The supervisor may, based on a reasonable belief that the person no longer meets the requirements of subrule (3) of this rule, require a report at any time from the person in addition to the information required by subrule (3) of this rule. If the supervisor finds, on the basis of a review of the report or other information, that the person no longer meets the requirements of subrule (3) of this rule, then the supervisor or authorized representative of the supervisor shall notify and inform the person. Within 30 days of the notification, the person shall provide alternate financial assurance by filing a conformance bond as specified in subrule (1) of this rule or shall bring the well to final completion. Failure to comply with this subrule shall be cause for immediate suspension of any or all components of the oil and gas operations on the well.
- (8) The supervisor may require additional conformance bonds to ensure compliance with orders of the supervisor, excluding proration, statutory pooling, or spacing orders. The conformance bond shall be in addition to the conformance bonds filed under R 324.212(a), (b), or (c) and shall be required only if the supervisor determines that the existing conformance bond is not adequate to cover the estimated cost of plugging the well and conducting site restoration or other obligations of the permittee under the order. A person is not required to file additional conformance bonds under this subrule if the person has filed a blanket conformance bond or bonds in an aggregate amount of \$250,000.00 or more, under R 324.212(d). Subject to the provisions of R 324.213, the additional conformance bond shall be released when the permittee has complied with all provisions of the orders of the supervisor.
- (9) Conformance bonds that were in effect before the effective date of these rules shall remain in effect under the conditions upon which they were filed and accepted by the supervisor. However, in place of conformance bonds that were in effect before the effective date of these rules, a permittee may file conformance bonds or submit a statement of financial responsibility under these rules for wells permitted under the act before the effective date of these rules.

### PART 3. SPACING AND LOCATION OF WELLS

#### R 324.301 Drilling unit; well location; exceptions.

Rule 301. (1) The following provisions specify requirements for the location and spacing of wells to be

drilled for oil or gas, or for wells for oil and gas where a change of well status or stimulation of the well will result in changes to the producing interval, except for injection wells and wells to be drilled in gas storage reservoirs, liquid petroleum gas storage reservoirs, unitized areas, and other specifically designated areas or geological formations where special spacing orders, rules, or determinations are in effect:

(a) The drilling unit for wells for oil or gas shall be a legal subdivision of 40 acres, more or less, defined as a governmental surveyed quarter-quarter section of land. The drilling unit shall conform to 1 of the quarter-quarters of a governmental surveyed section of land, with allowances being made for the differences in the size and shape of sections as indicated by official governmental survey plats.

(b) The producing interval of a well for oil or gas shall be not less than 330 feet from the drilling unit boundary.

(c) For purposes of interpreting requirements for the location and spacing of wells under these rules, the producing interval location of a well that is not intentionally drilled directionally or horizontally shall be presumed to be directly beneath the well location.

(d) A permit may be issued on a drilling unit that is not totally leased, pooled, or communitized subject to the following conditions:

(i) The application for permit shall be accompanied by a certified statement establishing that a good faith effort had been made to obtain the lease or leases or to obtain a communitization agreement to form a full drilling unit and that such effort failed.

(ii) No portion of the well bore shall transect any tract prior to such time as the tract is leased, pooled, or communitized.

(iii) The permittee of the well shall not construct or operate any portion of the well, drill pad, access road, pipeline, or other drilling operations or well completion operations subject to the permit on any tract that is not leased unless the permittee has obtained the necessary rights to construct or operate under a surface access agreement or other applicable instrument.

(iv) Before the well is placed on regular production, a pooled drilling unit shall be formed by voluntary agreement or statutory pooling pursuant to R 324.304.

(2) The well surface location and associated surface facilities for wells drilled and constructed after September 20, 1996 shall be located not less than 300 feet from existing recorded fresh water wells and reasonably identifiable fresh water wells utilized for human consumption and existing structures used for public or private occupancy.

(3) The well separators, storage tanks, and treatment equipment installed or constructed after September 20, 1996 shall be located not less than 2,000 feet from type I and IIa public water supply wells and not less than 800 feet from type IIb and III public water supply wells, as defined in the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(4) Exceptions to the location and spacing of wells may be granted in the following instances:

(a) The supervisor or authorized representative of the supervisor issues a permit for an off-pattern or nonconforming drilling unit well after a hearing to determine the need or desirability of issuing the permit. The wells shall be subject to the restricted or adjusted allowables that the supervisor considers necessary to ensure that the owners shall be afforded the opportunity to produce their just and equitable share of the oil and gas from the reservoir and to prevent waste.

(b) The supervisor or authorized representative of the supervisor issues a permit for a well where the surface location is closer than 300 feet from all existing recorded fresh water wells and reasonably identifiable fresh water wells utilized for human consumption and existing structures used for public or private occupancy upon presentation, to the supervisor, of written consent signed by the owner or owners of all existing fresh water wells and reasonably identifiable fresh water wells utilized for human consumption and existing structures used for public or private occupancy.

(c) The supervisor determines the well surface location or location of associated surface facilities will prevent waste, protect environmental values, and not compromise public safety after a hearing pursuant to part 12 of these rules.

(d) The supervisor approves an application to pool or communitize tracts or mineral interests pursuant to R 324.303(2).

#### R 324.302 Adoption of special spacing orders.

Rule 302. The development of an oil or gas field may warrant the adoption of drilling units and well spacing patterns other than as specified in R 324.301(1). An interested person may request, or the supervisor may schedule, a hearing pursuant to part 12 of these rules to consider the need or desirability of adopting a special spacing order to apply to a designated area, field, pool, or geological strata. The drilling unit established by the special spacing order may be smaller or larger than the basic 40-acre unit pursuant to R 324.301(1)(a).

#### R 324.303 Voluntary pooling.

Rule 303. (1) The lessees or lessors, or both, of separate tracts or mineral interests that lie partially or wholly within an established drilling unit or larger area may pool or communitize the tracts or interests to form full drilling units or multiples of full drilling units and to develop the units pursuant to the provisions of these rules and the applicable orders of the supervisor.

(2) Persons who pool or communitize the tracts or interests may submit an application to the supervisor to abrogate spacing within the pooled or communitized area. The application shall include a certified copy of the pooling or communitization agreement and the plans for exploration or development. The supervisor may approve the application if all of the following conditions are satisfied:

(a) Waste is prevented.

(b) The drilling of unnecessary wells is prevented.

(c) A producing interval of a well is not located closer than 330 feet from the pooled or communitized area boundary.

(3) The lessees and lessors of separate tracts or mineral interests that lie partially or wholly within an area encompassing 2 or more full drilling units may voluntarily pool the tracts or interests to form a development unit for the purpose of receiving a permit for a well as an exception to R 324.301(1) or special spacing orders adopted pursuant to R 324.302, if the producing interval location of the well is found by the supervisor to ensure each producer is afforded the opportunity to use his or her just and equitable share of the reservoir energy and to prevent waste, including the drilling of unnecessary wells.

#### R 324.304 Statutory pooling.

Rule 304. The supervisor may require the pooling of tracts or mineral interests within a drilling unit when the owners of the tracts or mineral interests have not agreed, or do not agree, upon the pooling of the interests to form full drilling units pursuant to these rules and the applicable spacing orders. The statutory pooling shall be done on a basis which ensures that each owner of an interest within a drilling unit is afforded the opportunity to receive his or her just and equitable share of the production from the unit. Statutory pooling shall be adopted by the supervisor only after a hearing pursuant to part 12 of these rules.

### PART 4. DRILLING AND WELL CONSTRUCTION

#### R 324.407 Drilling mud pits.

Rule 407. (1) The supervisor shall prohibit the use of a drilling mud pit if it is determined that the mud

pit causes waste.

(2) Drill cuttings, muds, and fluids shall be confined by a pit, tank, or container which is of proper size and construction and which is located as approved by the supervisor or authorized representative of the supervisor.

(3) Only tanks shall be utilized while drilling a well that is located in an area zoned residential before January 8, 1993. The supervisor may grant an exception if the applicant or permittee makes a request for an exception as part of the written application for a permit. The supervisor may grant an exception if an applicant or permittee satisfactorily demonstrates that a municipal water system is utilized or required to be utilized.

(4) Drilling mud pits shall be located and plotted as instructed by the supervisor. Before construction of the mud pit, a permittee shall demonstrate to the supervisor or authorized representative of the supervisor that there is not less than 4 feet of vertical isolation between the bottom of the pit and the uppermost groundwater level. The bottom of the liner shall not be installed within the observed groundwater level as determined while excavating the pit. If groundwater is encountered during or before construction of the pit, then the permittee shall select 1 of the following options and obtain the approval for the option from the supervisor or authorized representative of the supervisor:

(a) The pit shall be designed and constructed so the bottom of the pit is not less than 4 feet above the groundwater level.

(b) The pit shall be designed and constructed so the bottom of the pit is above the groundwater level, but less than 4 feet above the groundwater level, and during encapsulation the pit contents shall be solidified using a method approved by the supervisor.

(c) The pit shall be relocated at the well site as approved by the supervisor or authorized representative of the supervisor.

(d) Tanks shall be used, and drilling muds disposed of, at an approved off-site location.

(5) Drilling mud pits shall be constructed as instructed by the supervisor and shall be in compliance with both of the following minimum requirements:

(a) Pits shall be constructed with rounded corners and side slopes of not less than 20 degrees measured from the vertical.

(b) The bottom and sides of the pit shall be free of objects that could penetrate the liner.

(6) Drilling mud pits shall be lined as instructed by the supervisor and shall be in compliance with all of the following minimum requirements:

(a) Pits shall be lined with 20-mil virgin polyvinyl chloride liners as approved by the supervisor or with other liners that meet or exceed the 20-mil virgin polyvinyl chloride liner requirement.

(b) Ample liner material shall be installed in a manner to allow for sags and material loading to reduce stress on the liner and allow for a minimum 10-foot flat apron on all sides, including enough liner material to underlay the drilling mud tank, salt washer, and shale shaker.

(c) The bottom of the lined pit shall be weighted with earthen material or water before anchoring the ends of the liner on the surface or placing drilling muds in the pit.

(d) Ripping, tearing, puncturing, or other destruction of a liner that may cause loss of fluids is prohibited.

(e) Liner field seams are prohibited, except for liner field seams that result from failures in the liner due to abrasion or accidental perforation, which shall be immediately repaired in the field using the manufacturer's recommended procedures.

(7) Drilling mud pits shall be utilized as instructed by the supervisor and shall be in compliance with all of the following minimum requirements:

(a) Solid salt cuttings shall not be released to inground drilling mud pits. Solid salt cuttings obtained while drilling below the base of the Detroit River Anhydrite to the top of the Amherstburg formation and

while drilling through the formations in the Salina Group shall be collected in a container at the shale shaker and either diverted to a device that will result in the dissolving of the solid salt cuttings and the proper disposal of the resultant brine pursuant to R 324.703 or removed from the drilling site to a licensed disposal facility.

(b) Twenty-four months after the effective date of these rules, only the following may be placed in a lined pit:

(i) Water-based drilling muds generated or utilized while drilling above the base of the Detroit River Anhydrite.

(ii) Drilling fluids generated or utilized while drilling above the base of the Detroit River Anhydrite.

(iii) Cuttings obtained while drilling above the base of the Detroit River Anhydrite.

(iv) Cuttings and the solid fraction of drilling muds generated or utilized while drilling below the base of the Detroit River Anhydrite, other than drill cuttings prohibited by subdivision (a) of this subrule, if the cuttings and the solid fraction of drilling muds do not contain free liquids as determined by the United States environmental protection agency, paint filter liquids test, method 9095, September 1986 edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained without charge as of the time of adoption of these rules from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, or from the United States Environmental Protection Agency, Office of Research and Development, 26 West Martin Luther King Boulevard, Cincinnati, Ohio 45268. A permittee shall provide the necessary equipment at the site of the drilling rig to perform the paint filter liquids test.

(v) Water-based drilling muds and entrained cuttings, other than drill cuttings prohibited by subdivision (a) of this subrule, which are generated or utilized while drilling below the base of the Detroit River Anhydrite, which contain weighting materials or lost circulation materials, and which cannot reasonably be treated to eliminate free liquids as determined by the paint filter liquids test identified in paragraph (iv) of this subdivision, if approved by the supervisor or authorized representative of the supervisor.

(vi) Native soils.

(vii) Cementing materials.

(viii) Stiffening or solidification materials approved by the supervisor.

(c) During the initial 24 months after the effective date of these rules, only the following may be placed in a lined pit:

(i) Water-based drilling muds.

(ii) Drilling fluids.

(iii) Cuttings that are not prohibited by subdivision (a) of this subrule.

(iv) Native soils.

(v) Cementing materials.

(vi) Stiffening or solidification materials approved by the supervisor.

(d) Machine oil, refuse, completion and test fluids, liquid hydrocarbons, or other materials may not be placed in a lined pit.

(e) A permittee of a well shall, before encapsulation, test the fluids and cuttings remaining in the pit to determine the concentrations of benzene, ethylbenzene, toluene, and xylene and provide certification to the supervisor or authorized representative of the supervisor of the test results, except that a permittee is not required to test the fluids and cuttings remaining in the pit for benzene, ethylbenzene, toluene, and xylene if the well was drilled with water from a source approved by the supervisor and if, during the drilling operation, liquid hydrocarbons were not encountered.

(8) If a drilling mud pit is not closed immediately after reaching drilling completion, then a permittee of a well shall fence the perimeter of the drilling mud pit as soon as practical after drilling completion, but

not later than 30 days after drilling completion, to prevent public access.

(9) A permittee of a well shall close a drilling mud pit as instructed by the supervisor and be in compliance with all of the following minimum requirements:

(a) All free liquids above the solids in the pit shall be removed to the maximum extent practical and disposed of in an approved disposal well or used in a manner approved by the supervisor.

(b) All drilling mud pits shall be stiffened before encapsulation, except as provided in subrule (4)(b) of this rule. Earthen materials shall be mixed with the pit contents to stiffen the pit contents sufficiently to provide physical stability and support for the pit cover. An alternative pit stiffening process approved by the supervisor may be used at the option of a permittee or if required by the supervisor.

(c) The drilling mud pit shall be carefully encapsulated and buried as soon as practical after drilling completion, but not more than 6 months after drilling completion.

(d) Apron edges of the liner shall be folded over the pit proper.

(e) The drilling mud pit shall be totally covered with a separate piece of material that meets or exceeds the specifications of a 20-mil virgin polyvinyl chloride cover as approved by the supervisor. The cover shall extend beyond the outer edges of the pit to cover and entirely encapsulate the pit and shall be sloped to provide surface drainage away from the pit.

(f) The drilling mud pit shall be buried not less than 4 feet below the original ground grade level.

#### R 324.411 Cementing.

Rule 411. Well casing shall be cemented by the pump and plug method or by a method approved by the supervisor and allowed to set undisturbed at static balance with the casing in tension, with surface pressure released, and with no backflow until the tail-in slurry reaches 500 psi compressive strength, but for not less than 12 hours; however, if backflow occurs, then the surface pressure shall not be released. The cement mixture shall be of a composition and volume approved by the supervisor or authorized representative of the supervisor. The casing shall be pressure-tested before the cement plugs are drilled or the casing perforated. The pressure at the top of the cement shall be equal to the expected operating pressure of the well; however, the test pressure shall not exceed the API specification for hydrostatic test pressure for new casing, API specification 5CT, specification for casing and tubing, July 2011, ninth edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$237.00 each, and from the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, at a cost as of the time of adoption of these rules of \$237.00 each.

#### R 324.413 Drilling to strata beneath gas storage reservoirs.

Rule 413. Except when special orders have been adopted for specific reservoirs, areas, or practices, all of the following provisions about drilling to strata beneath gas storage reservoirs shall apply:

(a) The applicant shall send a copy of the entire drilling permit application and all revisions to the gas storage operator when the application and revisions are submitted to the supervisor. The gas storage operator shall have 10 business days to provide written comments to the supervisor.

(b) Drilling operations shall proceed through gas storage zones only when the gas storage reservoir pressure exerts a pressure gradient of not more than 0.50 psig per foot of true vertical depth to the top of the gas storage zone.

(c) Drilling rigs for wells drilled through gas storage reservoirs shall use rotary tools and shall have blowout prevention equipment pursuant to R 324.406. Complete operational checks of the well control appliances shall be made every 8 hours, with the well control system initially checked by pressure testing

and checked again before drilling into the gas storage reservoir. The 8-hour checks shall be recorded in the daily driller's log.

(d) Surface casing and any other protective casing string required above the gas storage reservoir shall be new casing manufactured in compliance with the API specifications for casing and tubing as adopted by reference in R 324.411, the properties and design of which have been approved by the supervisor or authorized representative of the supervisor. Surface casing and any other protective casing string shall be designed to withstand the required test pressures as set forth in R 324.410(3). Surface casing shall be set pursuant to R 324.408. Surface casing shall be cemented to the surface and not disturbed for a period of 18 hours after completion of cementing. Cement shall attain a minimum compressive strength of 500 psi before disturbing the casing or resuming drilling. Surface casing, other protective casing strings, and blowout preventers shall be tested pursuant to R 324.406(4) before drilling out the cement, unless otherwise specified by the supervisor or authorized representative of the supervisor.

(e) Drilling fluid shall be circulated and conditioned at a point not less than 100 feet above the gas storage reservoir and shall be maintained with the following characteristics until the gas storage reservoir is cased off:

(i) Drilling fluid density shall be sufficient to provide a hydrostatic pressure of not less than 100 psig above the anticipated bottom hole pressure of the gas storage reservoir.

(ii) When drilling through the storage reservoir, the drilling fluid shall have a maximum fluid loss of 15 cubic centimeters or less as specified by the API standard procedure for testing drilling fluids, API RP 13B-1, entitled "Recommended Practice for Field Testing Water-Based Drilling Fluids," March, 2009, fourth edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$165.00 each, and from the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, at a cost as of the time of adoption of these rules of \$165.00 each.

(f) Hole size shall be large enough to allow the running of a separate intermediate casing, which shall be set through each gas storage reservoir. The casing shall be new and conform to the API specification and performance properties for casing, tubing, and drill pipe, API BULL 5C3, entitled "Bulletin on Formulas and Calculations for Casing, Tubing, Drill Pipe, and Line Pipe Properties, October 1, 1994," sixth edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$206.00 each, and from the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, at a cost as of the time of adoption of these rules of \$206.00 each. The gas storage operator shall be allowed to review the intermediate casing design and cementing program before implementation. Intermediate casing shall be set in competent stratum approximately 100 feet below the base of the gas storage reservoir or set as required by the supervisor or authorized representative of the supervisor. Intermediate casing shall be designed for the maximum gas storage reservoir operating pressure using a minimum collapse design factor of 1.125, a minimum burst design factor of 1.25, and a minimum tension design safety factor of 1.6. The minimum hole size for a given size casing shall be pursuant to R 324.410(4). The hole shall be properly conditioned before running casing by circulating the drilling fluid at a rate equal to the drilling circulating rate and by utilizing a circulating time equivalent of not less than twice the hole displacement. Casing shall be equipped with a sufficient number of centralizers and scratchers to ensure good cement distribution and shall include centralizers above and below the gas storage reservoir. All centralizers shall conform to the API for casing

centralizers, API specification 10D, entitled “Specification for Bow-Spring Casing Centralizers,” March 6, 2002, sixth edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$89.00 each, and from the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, at a cost as of the time of adoption of these rules of \$89.00 each. Casing shall include float equipment that will prevent movement after the cementing operation is completed. If conditions allow, casing shall be rotated or reciprocated slowly during cementing. The mill varnish shall be removed from the casing shoe to a point 100 feet above the storage reservoir. An acceptable spacer that is at least as dense as the drilling fluid shall precede the cement to aid in removing the drilling fluid. Cement mix water shall be tested before the cementing operation to ensure compatibility with the cement. The casing shall be cemented using a sufficient cement volume to circulate cement to the surface. Multistage cementing operations and external casing packers may be used only with the approval of the supervisor or authorized representative of the supervisor. Cemented casing shall not be disturbed for a period of 18 hours. Cement shall also attain a minimum compressive strength of 500 psi based on cement tables before disturbing the casing or resuming drilling. Absent backflow, the internal casing pressure shall be relieved after the cementing operation. Intermediate casing and the blowout preventers shall be tested to a pressure of not less than 1,500 psig at the surface or as otherwise specified by the supervisor or authorized representative of the supervisor, and the pressure shall be held for not less than 20 minutes before drilling out the cement.

(g) When additional intermediate casing is run inside the innermost storage zone casing, below the base of the Detroit river group, the intermediate casing string and cementing shall be pursuant to these rules and the orders and instructions issued by the supervisor.

(h) A centralized cement bond evaluation log or equivalent test approved by the supervisor shall be performed on the storage zone casing before running subsequent casing or plugging the hole, but not sooner than 48 hours after cementing the storage zone intermediate casing. A description of problems occurring while running or cementing casing shall be recorded in the daily driller's log. If unsatisfactory conditions are indicated, including unsatisfactory cement bonding, gas to the surface in the cellar area, or gas pressure on the surface or intermediate casing string annulus, and additional testing does not provide sufficient proof the unsatisfactory condition does not exist, then the permittee shall initiate remedial action before additional casing is installed.

(i) Wellhead equipment and assemblies shall conform to the API specification for wellhead equipment, and shall include slip and seal assemblies for all casings, unless an exception is approved by the supervisor or authorized representative of the supervisor. The API specification for wellhead equipment is specification 6A, entitled “Specification for Wellhead and Christmas Tree Equipment,” October, 2010, twentieth edition, which is adopted by reference in these rules. Copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$260.00 each, and from the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, at a cost as of the time of adoption of these rules of \$260.00 each. The wellhead shall be assembled to allow the monitoring of the pressure of each annulus at the surface.

(j) The permittee shall notify the gas storage operator before moving personnel or equipment, or both, onto the well location to ensure all of the following:

- (i) That the proposed well location does not endanger gas storage facilities or storage operations.
- (ii) That the movement of drilling rigs, related trucks, and equipment does not endanger gas storage

facilities or storage operations.

(iii) That the gas storage operator is allowed to witness drilling operations that impact the gas storage reservoir.

R 324.418 Filing of well records.

Rule 418. A permittee of a well who drills a well shall file all of the following records with the supervisor:

(a) Within 60 days after drilling completion, a complete written geologic description log or record of the well, certified by the permittee, on forms prescribed by the supervisor, including all of the following information:

(i) Elevations pursuant to R 324.415.

(ii) Depth to, and thickness of, water-bearing sands and gravels in the glacial drift as determined by a geologist, including fill-up and volumes of the water, if available.

(iii) The measured and true vertical depth to geologic strata penetrated, and accurate and complete lithologic descriptions, including color, hardness, and the character of the rock as determined by a geologist.

(iv) A record of all shows of oil or gas, or both, encountered.

(v) A record of all lost circulation zones encountered.

(vi) A record of all hole sizes, casings, and liners used, including the size, weight, grade, amount, and depth set for each casing string.

(vii) The amount of cement used and the calculated elevation of the top of the cement, unless the supervisor or authorized representative of the supervisor requests the elevation to be measured.

(viii) Data on all drill stem tests. The minimum education and experience requirements for a geologist to determine the information required in this subrule are graduation from a university or college that has an accredited 4-year curriculum in a geological science, receipt of a 4-year degree in a geological science, and 2 years of practical experience providing geological services, including consultation, investigation, evaluation, planning, or responsible supervision of geological activities requiring the application of geologic principles and techniques.

(b) Within 60 days after well completion operations, data on all perforating, acidizing, fracturing, shooting, and testing, except that information on chemical additives used in a high volume hydraulic fracturing operation shall be submitted as required under R 324.1406.

(c) Within 60 days of plugging the well, all of the following information:

(i) Accurate and complete descriptions of cores.

(ii) Data on all bridge plugs set, make and type of plug, depth set, whether left in place or removed, and details of plug-back operations below the bridge plug.

(iii) The amount of casing stripped from the well.

## PART 5. COMPLETION AND OPERATION

R 324.503 Well completion operations.

Rule 503. (1) A permittee of a well shall use proper well control measures to avoid an uncontrolled flowing of the well. All fluids from well completion operations, including flowback fluid, acid, load water, chemicals, and associated hydrocarbons, shall be produced or swabbed back to approved containers. A permittee of a well shall not use earthen pits or reservoirs to contain fluids produced from the well.

(2) A permittee shall notify the supervisor or authorized representative of the supervisor when a well completion operation starts.

R 324.511 Change of well status.

Rule 511. (1) A permittee of a well who desires to change the status of a well by an oil and gas operation, including temporary abandonment or high volume hydraulic fracturing, except as allowed by R 324.704 and additional acid or other stimulation treatment, shall file an application for change of well status with the supervisor. The application shall set forth, in detail, the kind of oil and gas operation to be accomplished and the plan for protecting all oil, gas, brine, or fresh water strata the well has penetrated. In addition, an application to change the status of a well by utilizing high volume hydraulic fracturing shall include the information specified in rule 201(2)(c) of these rules. A permittee shall not begin the oil and gas operation until he or she has received approval from the supervisor or authorized representative of the supervisor and provided notification to the supervisor or authorized representative of the supervisor of the date the oil and gas operation will commence.

(2) A permittee of a well who changes the status of a well shall file, with the supervisor, within 60 days, a complete change of well status record on forms prescribed by the supervisor, except that a record shall not be filed when the change of well status operation is for temporary abandonment purposes.

**PART 6. PRODUCTION AND PRORATION**

R 324.613 Production from directionally drilled wells.

Rule 613. (1) An allowable production rate shall not be assigned or production permitted from a directionally drilled well until a certified well survey has been furnished by the permittee of a well to the supervisor. A directionally drilled well with a producing interval that is contrary to the established boundary setback of the drilling unit or pooled or communitized area shall be limited or restricted in the same manner as provided for regularly drilled wells located contrary to the boundary setback of the drilling unit or pooled or communitized area.

(2) The production from directionally drilled wells that can be produced contrary to the established boundary setback of the drilling unit or pooled or communitized area shall be limited or restricted in the same manner pursuant to R 324.301(4)(a) for regularly drilled wells located contrary to the applicable boundary setback of the drilling unit or pooled or communitized area. A permittee of a well shall not conduct production testing from a directionally drilled well until a certified well survey has been furnished to, and approved by, the supervisor or authorized representative of the supervisor pursuant to R 324.421. Injection wells utilized for gas storage are exempt from this subrule.

**PART 7. DISPOSAL OF OIL OR GAS FIELD WASTE, OR BOTH**

R 324.705 Disposition of brine.

Rule 705. (1) A permittee of a well is responsible for the proper disposal of all brines produced in association with oil or gas production, or both, or brines accumulated in drilling mud pits or tanks and shall ensure that waste, as defined in section 61501(p) of the act, will not occur. A permittee may convey or transfer brines for other purposes if the brines are in compliance with the conditions provided in subrule (3) of this rule. A permittee shall be required to maintain records on the disposition of all brines pursuant to subrule (4) of this rule, and a permittee shall not have continuing liability relative to the transport or application of the brines after the brines are properly conveyed or transferred.

(2) Upon the effective date of these rules, a permittee of a well shall not use brines produced in association with drilling for oil and gas, or both, and accumulated in drilling mud pits for ice or dust control purposes.

(3) Twelve months after the effective date of these rules, a permittee shall dispose of all brines as

provided in R 324.703 or shall use the brines in a manner approved by the supervisor; however, some brines may be conveyed or transferred and used for ice and dust control and road stabilization if all of the following conditions are satisfied:

(a) Brines shall not be used for ice and dust control and road stabilization if the brines are obtained from wells containing more than 20 ppm hydrogen sulfide in the gas stream, unless it can be shown that there is less than a 500-ppm-hydrogen sulfide concentration present in the brine.

(b) The brines shall contain a 20,000-milligrams-per-liter or more concentration of calcium.

(c) The brines shall contain less than a 1,000-micrograms-per-liter concentration of each of the following aromatic hydrocarbons:

(i) Benzene.

(ii) Ethylbenzene.

(iii) Toluene.

(iv) Xylene.

(d) Only brines that have been approved by the supervisor or authorized representative of the supervisor may be exempt from the disposal requirements of R 324.703. For a permittee to obtain approval to exempt brine from the disposal requirements of R 324.703, all of the following conditions shall be satisfied:

(i) The brine shall be tested annually within 90 days of January 1 of each year by the person seeking authorization to utilize the brine for other purposes. The brine shall be tested using any of the following procedures:

(A) Method 200.7 ICP-AES, entitled “Method for Trace Element Analysis of Water and Wastes, Methods for Chemical Analysis of Water and Wastes,” March 1983 edition.

(B) Method 6010A, entitled “Inductively Coupled Plasma, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” 1984 edition 3.

(C) Method 602, entitled “Purgeable Aromatics, Guidelines Establishing Test Procedures for the Analysis of Pollutants,” 40 C.F.R. part 136, appendix A, revised July 1990.

(D) Method 8020A, “Aromatic Volatile Organics by Gas Chromatography, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” 1984 edition 3.

(E) Method 8240A, entitled “Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry: Packed Column Technique, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” 1984 edition 3.

(F) Method 8260A, entitled “Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry: Capillary Column Technique,” 1984 edition 3.

(G) Method 325.3, entitled “Chloride (Colorimetric, Automated Ferricyanide), Guidelines Establishing Test Procedures for the Analysis of Pollutants,” 40 C.F.R. part 136, appendix A, revised July 1990.

(H) Method 4500-CLE, entitled “Chloride, Methods for the Determination of Organic Compounds in Drinking Water” and supplement I, December 1988 and July 1990 editions.

The testing methods are adopted by reference in these rules and copies are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained without charge from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, or from the United States Environmental Protection Agency, Office of Research and Development, 26 West Martin Luther King Boulevard, Cincinnati, Ohio 45268.

(ii) The sample of brine used for analysis shall be obtained from the point of loading of the storage tank where the brine is first separated from the production stream.

(iii) A chemical analysis of each brine source showing the concentrations of all of the following shall be submitted to the supervisor or authorized representative of the supervisor within 30 days of the

completion of the analysis:

- (A) Chloride.
- (B) Hydrogen sulfide.
- (C) Calcium.
- (D) Benzene.
- (E) Ethylbenzene.
- (F) Toluene.
- (G) Xylene.
- (iv) The chemical analysis shall include all of the following information:
  - (A) The well name.
  - (B) Permit number.
  - (C) Permittee.
  - (D) Location of the individual well.

(E) If the brine is obtained from a tank battery or central production facility, the name, number, permittee, and location of the tank battery or central production facility.

(4) A permittee of a well shall maintain records for 2 years on the disposition of all brines produced in association with oil or gas production, or both. The records shall indicate dates, volumes, recipient, transporter, destination, and proof of delivery. If the person authorized to utilize the brine for other purposes receives the brine at an unattended loading site, then the person shall provide the permittee with a signed record describing the date, volume, time, destination, and proof of delivery. A permittee of a well shall make the records available for inspection by the supervisor or authorized representative of the supervisor at all times. A permittee of a well shall protect the records from damage or destruction due to preventable cause.

(5) A permittee of a well shall ensure that brine that is in compliance with the conditions listed in subrule (3) of this rule is also in compliance with all applicable state and federal laws and regulations.

## PART 8. INJECTION WELLS

R 324.801 Construction and operation of injection wells.

Rule 801. (1) A permittee of a well shall ensure that the injection of fluid into a well is through adequate tubing and packer. During injection operations, the tubing to casing annulus shall be filled with a noncorrosive liquid. Injection wells utilized for gas storage are exempt from this subrule.

(2) A permittee of a well shall ensure that surface access to all casing annuli is provided.

(3) A permittee of a well shall ensure that an injection well is constructed and operated so that the injection of fluids is confined to strata approved by the supervisor or authorized representative of the supervisor.

(4) A permittee of a well shall ensure that construction, operation, maintenance, conversion, and plugging and abandonment of the well will not allow the movement of fluid containing any contaminant into an underground source of drinking water.

## PART 10. WELL SITES AND SURFACE FACILITIES; PREVENTION OF FIRES, POLLUTION, AND DANGER TO, OR DESTRUCTION OF, PROPERTY OR LIFE

R 324.1015 Nuisance noise; “decibel,” “decibels on the a-weighted network,” “noise-sensitive area,” and “nuisance noise” defined.

Rule 1015. (1) A person shall not cause a nuisance noise in the production, handling, or use of oil, gas, or brine or in the handling of any product associated with the production or use of oil, gas, or brine.

(2) If the supervisor or authorized representative of the supervisor receives 1 or more complaints of noise heard by the complainant at noise-sensitive areas that is attributed to a surface facility, then the supervisor may require the permittee to collect decibel readings to determine the sound levels at the noise-sensitive areas and at a distance of 1,320 feet from the facility. If the sound level of the facility is more than 45 decibels on the a-weighted network at a distance of 1,320 feet from the facility, then the supervisor or authorized representative of the supervisor may find that a nuisance noise exists after considering all applicable information, including the distance between the surface facility and the noise-sensitive areas, the sound levels at the noise-sensitive areas, and sound attributable to sources other than the surface facility. The supervisor or authorized representative of the supervisor may require appropriate noise control measures to reduce the decibel levels. If noise control measures are required, then the permittee shall submit, to the supervisor or authorized representative of the supervisor, for approval, an abatement plan and schedule for implementation within 30 days of a determination by the supervisor or authorized representative of the supervisor that noise control measures are necessary.

(3) As used in this rule:

(a) “Decibel” means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear in compliance with the ANSI standard 1.1, entitled “Acoustical Terminology,” 1994 edition, which is adopted by reference in these rules. Copies of the standard are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$100.00 each, and from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036, at a cost as of the time of adoption of these rules of \$100.00 each.

(b) “Decibels on the a-weighted network” means decibels measured on the a-weighted network of a sound level meter, as specified in the ANSI standard 1.4, entitled “Specifications for Sound Level Meters,” 1983 edition, which is adopted by reference in these rules. Copies of the standard are available for inspection at the Lansing office of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$70.00 each, and from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036, at a cost as of the time of adoption of these rules of \$70.00 each.

(c) “Noise-sensitive area” means a residential dwelling, place of worship, school, or a hospital and also means an existing site that is maintained for public recreation for which quiet is a primary consideration in the use of the site.

(d) “Nuisance noise” means any noise from a well or its associated surface facilities that causes injurious effects to human health or safety or the unreasonable interference with the comfortable enjoyment of life or property.

## PART 11. HYDROGEN SULFIDE MANAGEMENT

### R 324.1103 Metallic component standards.

Rule 1103. A permittee of a well shall ensure that metallic components of the well, flow line, and associated surface facilities installed during the course of drilling, completing, testing, producing, repair, workover, or servicing operations after September 2, 1987, where applicable, are in compliance with or exceed the standards for use in a hydrogen sulfide environment set forth in the NACE standard

MR0175-2000, 2000 edition, entitled “Sulfide Stress Cracking Resistant Metallic Material for Oil Field Equipment,” which is adopted by reference in these rules. Copies may be inspected at the Lansing office or field offices of the office of oil, gas, and minerals of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$50.00 each, and from the National Association of Corrosion Engineers, P.O. Box 218340, Houston, Texas 77218, at a cost as of the time of adoption of these rules of \$50.00 each.

## PART 12. HEARINGS

R 324.1202 Petition for hearing; contents.

Rule 1202. (1) A proper written petition for a hearing, except for the material filed pursuant to subdivisions (e) and (f) of this subrule, shall be filed on 8 1/2 by 11-inch paper and shall contain at least all of the following information:

- (a) The name and address of petitioner.
- (b) A specific statement of the matters asserted or relief sought indicating the rule, order, or section of the act applicable to the petition.
- (c) Property descriptions, locations, sections, townships, and counties relating to the matter to be heard.
- (d) The names and last known addresses of the last record owners, lessees, lessors, or other parties of record in the register of deeds office who own interests in the lands that are the subject of the petition.
- (e) A map of the area to be affected and of the contiguous property. Lease ownership and well locations within 1,320 feet of the area to be affected shall be identified.
- (f) Other maps, plats, and exhibits that may be useful in considering the matter to be heard.
- (g) The name and address of the newspaper circulated in the county or counties where the affected lands are located.
- (h) A copy of a permit application and attachments pertinent to the matters asserted in the petition.
- (i) The name, address, and telephone number of the representative or representatives of the petitioner to whom inquiries can be made.

(2) All of the following additional information shall be filed with the petition when a spacing or proration order is to be considered:

- (a) The size, shape, and orientation of the proposed drilling unit.
- (b) The well spacing pattern to be proposed.
- (c) The surface geographic area to be included in the spacing order, and the geologic formation or formations to be spaced or prorated.
- (d) Well production, testing history, and other applicable reservoir and geological data.
- (e) Proposed daily well allowables, if applicable.

(3) A petition to establish secondary recovery operations pursuant to R 324.612 shall also include all of the following information:

- (a) Applicable seismic lines, profiles, and interpretation showing seismic outlines or boundaries of reservoir structure and the geologic structure and area to be impacted by the operations.
- (b) Appropriate geologic information, such as structural cross sections and productive areas, thickness isopach, and other essential maps.
- (c) Applicable reservoir engineering data, such as the following:
  - (i) Pressure versus time.
  - (ii) Pressure versus oil production.
  - (iii) Reservoir rock and fluid properties.
  - (iv) Primary production.

- (v) An estimated forecast of oil recoveries.
- (vi) Estimated economics of secondary recovery project.
- (d) A plan that shows the locations of existing production wells, proposed production wells, and proposed injection wells and a facilities plan that includes schematics that show the locations of existing and proposed flow lines and wells and associated surface facilities.
- (e) If groundwater is to be injected, a hydrogeologic investigation report of the source aquifer.
- (4) The supervisor may return a petition that is not in conformance with these rules and may include a list of the deficiencies of the petition.
- (5) All of the following additional information shall be filed with the petition when statutory pooling is to be considered:
  - (a) The ownership of oil and gas interests within the drilling unit and a specific description of the nature and extent of the interests sought to be pooled.
  - (b) Sworn statements that indicate, in detail, what action the petitioner has taken to obtain a voluntary unit.
  - (c) Whether or not the petitioner desires to drill or operate the unit, or both, and, if not, the name of the party nominated as operator and the recommendation of the petitioner as to the arrangements that are just and equitable to all owners within the drilling unit.
  - (d) The estimated costs of drilling, completing, and equipping the well, on a form provided by the supervisor, and additional compensation proposed for the risk associated with the drilling and equipping of the well.

R 324.1204 Notice of hearing; service; answer.

Rule 1204. (1) The supervisor shall prepare and furnish the notice of hearing to the petitioner, together with instructions for publication and service of the notice. Upon receipt the petitioner shall serve copies of the notice of hearing on the last known addresses of the last record owners, lessees, lessors, or other parties of record in the register of deeds office or assessor's records, if appropriate, who own interests in the lands that are the subject matter of the proposed action, unless otherwise provided in these rules.

(2) If directed by the supervisor, the petitioner shall also serve copies of the notice of hearing at the last known addresses of the last record owners, lessees, lessors, or other parties of record in the register of deeds office who own interests in all or part of the quarter-quarter sections of land directly and diagonally adjacent to the lands or areas that are the subject matter of the proposed action.

(3) The notice of hearing shall be published by the petitioner in an oil and gas industry publication circulated in this state and in a newspaper of general circulation in the county or counties involved with the matter to be heard. Publication shall occur not less than 21 days before the date of the hearing. Affidavits of proof of publication shall be filed with the supervisor before the date of the hearing.

(4) The notices of hearing shall be mailed not less than 21 days before the date of the hearing. Affidavits of proof of mailing by first-class mail or personal service shall be filed with the supervisor before the date of the hearing. An affidavit of proof of mailing shall state that the notice was deposited in the United States mail not less than 21 days before the hearing date, first-class postage prepaid, addressed to each person so served at his or her record address as set forth in the petition pursuant to R 324.1202. Each person so served and his or her address of record shall be specifically identified in the affidavit. The supervisor may require service by certified mail, return receipt requested.

(5) If a hearing is initiated by the supervisor, or if the scope of a hearing requested by a petitioner is enlarged at the initiative of the supervisor, then the supervisor shall publish the notice of hearing and may give additional notification of the hearing by United States mail or personal service.

(6) An interested person shall not be permitted to participate as a party in a hearing conducted pursuant to a petition unless the person files an answer in a timely manner with the supervisor and serves the

answer to the petition upon the petitioner. The answer shall be in writing and shall set forth the interested person's positions with regard to the representations made or relief sought in the petition. An interested person is responsible for requesting a copy of the petition from the petitioner at the address set forth in the notice of hearing. The petitioner shall mail or otherwise deliver a copy of the petition and attachments to the interested person within 3 days after receipt of a written request. Failure of the petitioner to mail or otherwise deliver a copy of the petition to an interested person in a timely manner relieves the interested person of the obligation to file an answer and the interested person shall not be precluded from presenting evidence or cross-examining witnesses. An interested person may mail or otherwise deliver his or her answer to the supervisor and the petitioner. To be considered timely an answer must be received by the supervisor and the petitioner not fewer than 5 days before the date set for the hearing. Failure to file and serve an answer in a timely manner precludes an interested person from presenting evidence at the hearing or cross-examining witnesses. However, an interested person who does not file an answer in a timely manner may make a nonevidentiary statement at the hearing.

(7) The notice of hearing shall contain the following statement:

You can obtain a copy of the written petition by requesting one in writing from the petitioner at \_\_\_\_\_ . Take note that if you wish to participate as a party in the hearing by presenting evidence or cross-examining witnesses, you shall prepare and mail or otherwise deliver to the petitioner and supervisor, not less than 5 days before the hearing date, an answer to the petition in the manner set forth in R 324.1204(6). Proof of mailing or delivering the answer shall be filed with the supervisor on or before the date of hearing. The answer shall state with specificity the interested person's position with regard to the petition. Failure to prepare and serve an answer in a timely manner shall preclude you from presenting evidence or cross-examining witnesses at the hearing. If an answer to the petition is not filed, the supervisor may elect to consider the petition and enter an order without oral hearing.

(8) Upon a showing that service of notice cannot reasonably be made as provided by this rule, the supervisor may authorize service of the notice of hearing to be made in another manner reasonably calculated to give the interested parties actual notice of the proceeding and an opportunity to be heard. A request for this authorization shall be made by verified motion. The motion shall set forth sufficient facts to establish that service pursuant to subrules (1) to (7) of this rule cannot reasonably be made and shall suggest an alternative method of service.

R 324.1206 Final decision or order.

Rule 1206. (1) The supervisor shall issue a final decision or order as a result of a hearing held under R 324.1205 or as a result of the procedure pursuant to R 324.1205(1)(c) after giving due consideration to all of the following:

- (a) The record.
- (b) The supervisor's experience, technical competence, and specialized knowledge.
- (c) The proposal for decision, if one is issued, and exceptions to the proposal for decision, replies to exceptions, and, if permitted by the supervisor, oral arguments and briefs.
- (d) The advice or recommendations of the representative of the supervisor when required or appropriate.
- (e) The stipulations or agreements that the contesting parties have placed on the record at a hearing or submitted in writing to the supervisor or the hearings officer.
- (f) The act and rules.

(2) The final written decision or order of the supervisor shall be furnished to the petitioner. The petitioner shall serve copies, by first-class mail, to all persons who were mailed a notice of the hearing, who filed an appearance at the hearing, or who otherwise requested a copy of the final written decision.

(3) When a hearing is scheduled at the initiative of the supervisor, the supervisor shall serve copies of the final written decision or order, by first-class mail, to all persons who filed an answer, who filed an appearance at the hearing, or who otherwise requested a copy.

(4) After the hearing on a petition for an order to pool and after thorough consideration of the evidence and testimony submitted, the supervisor shall either rule that pooling is not necessary to prevent waste or shall enter an order pooling the separately owned tracts and interests within the drilling unit. The pooling order shall authorize 1 of the owners within the affected unit to drill and operate the well within the affected unit and provide that the well shall be commenced within 90 days if drilling of the well has not already commenced, unless otherwise specified in the pooling order. The pooling order is null and void as to all parties and interests with respect to any well that has not commenced within 90 days after the date of the order. The order shall set forth the terms and conditions under which each of the owners may share in the working interest ownership of the well drilled or to be drilled on the pooled unit and for the sharing of any production from the well. The order shall provide for conditions under which each mineral or working interest owner who has not voluntarily agreed to pool all of the owner's mineral or working interest in the pooled unit may share in the working interest share of production or be compensated for the owner's working interest within the pooled unit according to either of the following provisions:

(a) Pay to the party authorized to drill, or who has drilled, the well that owner's proportionate share of the actual cost of drilling, completing, equipping, and operating the well in the pooled unit that the owner elects to participate in, or give bond for the payment of the share of the costs that have been, or are subsequently, actually incurred, whether the well is drilled as a producer or a dry hole.

(b) As to each well that the owner does not elect to participate in as provided in subdivision (a) of this subrule, if the well has been, or is subsequently, completed as a producer, authorize the operator of the well to take out of the nonparticipatory interest's share of production from the well the party's share of the cost of drilling, completing, equipping, and operating the well, plus an additional percentage of the costs that the supervisor considers appropriate compensation for the risks associated with drilling a dry hole and the mechanical and engineering risks associated with the completion and equipping of each well.

(5) Each nonparticipating owner who has not elected to participate in the drilling of any well by agreeing to pay the owner's working interest share of the costs shall make an election, within 10 days of receipt by the owner of the supervisor's certified mail copy of the order, as to which alternative in subrule (4)(a) or (b) of this rule the owner will select. If the nonparticipating party does not notify the supervisor in writing within 10 days of the owner's election as to any well proposed for the pooled unit, then the owner shall be considered to have elected the alternative in subrule (4)(b) of this rule. For the type of statutory pooling order specified in this rule, the owner of an unleased mineral interest shall be treated as a working interest owner to the extent of 100% of the interest owned in the pooled unit. Each nonparticipating owner shall be considered to be subject to a 1/8 royalty interest, which shall be free of any withholding for payment of any costs of drilling, completing, equipping, or operating the well to be drilled. All operations, including, the commencement, drilling, completing, equipping, or operation of a well, upon a portion of a drilling unit for which pooling has been ordered shall be considered for all purposes to be the conducting of operations upon each separately owned tract in the drilling unit. The portion of the production allocated to a separately owned tract or separately owned interest included in a drilling unit shall, when produced, be considered for all purposes to have been actually produced from the separately owned tract or tracts by a well drilled in the drilling unit.

#### PART 14. HIGH VOLUME HYDRAULIC FRACTURING

R 324.1401 Definitions.

Rule 1401. As used in these rules:

(a) “Adverse resource impact,” “assessment tool,” “cold-transitional river system,” “cool river system,” “site-specific review,” “warm river system,” “withdrawal,” “zone A withdrawal,” “zone B withdrawal,” “zone C withdrawal,” and “zone D withdrawal,” have the same meanings as in section 32701 of the act.

(b) “Available water source” means a reasonably identifiable fresh water well used for human consumption for which the water well owner has given written consent for sampling and testing and to having the sample data made a part of the department’s public records.

(c) “Chemical Abstracts Service (CAS) Number” means the unique identification number assigned to a chemical by the division of the American Chemical Society that is the globally recognized authority for information on chemical substances.

(d) “Chemical additive” means a product composed of 1 or more chemical constituents that is intentionally added to a primary carrier fluid to enhance the characteristics of hydraulic fracturing fluid.

(e) “Chemical constituent” means a discrete chemical with its own specific name or identity, such as a CAS number, that is contained in a chemical additive.

(f) “Chemical family” means a group of elements or compounds that have similar physical and chemical characteristics and have a common general name.

(g) “Flowback fluid” means hydraulic fracturing fluid and brine recovered from a well after completion of a hydraulic fracturing operation and before the conclusion of test production under R 324.606.

(h) “High volume hydraulic fracturing” means a hydraulic fracturing well completion operation that is intended to use a total volume of more than 100,000 gallons of primary carrier fluid. If the primary carrier fluid consists of a base fluid with 2 or more components, the volume shall be calculated by adding the volumes of the components. If 1 or more of the components is a gas at prevailing temperatures and pressures, the volume of that component or components shall be calculated in the liquid phase.

(i) “Hydraulic fracturing” means a well completion operation that involves pumping fluid and proppants into the target formation under pressure to create or propagate artificial fractures, or enhance natural fractures, for the purpose of improving the deliverability and production of hydrocarbons. Hydraulic fracturing does not include other stimulation completion techniques such as treatments that do not use proppants.

(j) “Hydraulic fracturing fluid” means fluid at a well site that is prepared for injection into a well to achieve a hydraulic fracturing operation, including primary carrier fluid and additives.

(k) “Large volume water withdrawal” means a water withdrawal intended to produce a cumulative total of over 100,000 gallons of water per day when averaged over a consecutive 30-day period.

(l) “Primary carrier fluid” means the base fluid, such as water, into which chemical additives are mixed to form the hydraulic fracturing fluid.

(m) “Proppant” means sand or any natural or man-made material that is used in a hydraulic fracturing completion to prop open the artificially created or enhanced fractures once the treatment is completed.

(n) “Trade secret” has the same meaning as defined in the uniform trade secrets act, 1998 PA 448, MCL 445.1901 to 445.1910.

R 324.1402 Permitting of high volume hydraulic fracturing for oil and gas wells.

Rule 1402. (1) In addition to the requirements in R 324.201, a person applying for a permit to drill and operate shall provide a statement as to whether high volume hydraulic fracturing is expected to be utilized in completion of the proposed well.

(2) A permittee of a well shall not begin a large volume water withdrawal for a high volume hydraulic fracturing operation without approval of the supervisor or authorized representative of the supervisor. A

permit applicant or permittee shall make a written request for approval to conduct a large volume water withdrawal and shall file the request with the supervisor at least 30 days before the permit applicant or permittee intends to begin the withdrawal. The permittee may file the request with the application for a permit to drill and operate a well or may provide the request separately to the supervisor or authorized representative of the supervisor. The request shall include all of the following information:

(a) A water withdrawal evaluation utilizing the assessment tool accessed at <http://www.miwwat.org/> or by a means approved by the supervisor under the conditions described in subrule (6) of this rule.

(b) Information on the proposed withdrawal including all of the following:

(i) Proposed total volume of water needed for hydraulic fracturing well completion operations.

(ii) Proposed number of water withdrawal wells.

(iii) Aquifer type (drift or bedrock).

(iv) Proposed depth of water withdrawal wells, in feet below ground surface.

(v) Proposed pumping rate and pumping schedule of each water withdrawal well.

(vi) Available well logs of all recorded fresh water wells and reasonably identifiable fresh water wells within 1,320 feet of water withdrawal location.

(c) A supplemental plat of the well site showing all of the following:

(i) Proposed location of water withdrawal wells (latitude/longitude).

(ii) Location of all recorded fresh water wells and reasonably identifiable fresh water wells within 1,320 feet of water withdrawal location or locations.

(iii) Proposed fresh water pit impoundment, containment, location, and dimensions.

(d) A contingency plan, if deemed necessary, to prevent or mitigate potential loss of water availability in the fresh water wells identified under subdivision (b)(vi) of this subrule.

(3) An application for change of well status for which a large volume water withdrawal is expected to be utilized for high volume hydraulic fracturing shall include the information required under subrule (1) of this rule.

(4) If the assessment tool designates the proposed withdrawal as a zone A withdrawal, or a zone B withdrawal in a cool river system or a warm river system, the supervisor shall approve the withdrawal.

(5) If the assessment tool designates the proposed withdrawal as a zone B withdrawal in a cold-transitional river system, or a zone C or zone D withdrawal, the permit applicant or permittee may submit to the supervisor a request for a site-specific review. All of the following apply:

(i) If the site-specific review determines that the proposed withdrawal is a zone A or a zone B withdrawal, the supervisor shall approve the withdrawal.

(ii) If the site-specific review determines that the proposed withdrawal is a zone C withdrawal, the supervisor shall not approve the withdrawal unless the permittee does either of the following:

(A) Self certifies that he or she is implementing applicable environmentally sound and economically feasible water conservation measures under MCL 324.32708a.

(B) Obtains a water withdrawal permit under MCL 324.32723.

(iii) If the site-specific review determines that the proposed withdrawal is a zone D withdrawal or likely to cause an adverse resource impact, the supervisor shall not approve the withdrawal unless the permittee has obtained a water withdrawal permit under MCL 324.32723.

(6) If the assessment tool is discontinued or replaced as a requirement for designated water withdrawal evaluations under the act, a permittee shall perform a water withdrawal evaluation utilizing an alternative method and criteria approved by the supervisor to satisfy the requirements of subrules (2)(a), (4), and (5) of this rule.

R 324.1403 Water supply monitoring and storage.

Rule 1403. (1) If 1 or more fresh water wells are present within 1,320 feet of a proposed large volume water withdrawal, the permittee shall install a monitor well between the water withdrawal well or wells and the nearest fresh water well before beginning the water withdrawal. If more than 1 aquifer is delineated at the site, the monitor well shall be completed in the same aquifer as the water withdrawal well. The permittee shall measure and record the water level in the monitor well daily during water withdrawal and weekly thereafter until the water level stabilizes. The permittee shall report all water level data weekly to the supervisor or authorized representative of the supervisor.

(2) Fresh water storage pits and impoundments shall be constructed as approved by the supervisor and shall be in compliance with all of the following minimum requirements:

(a) Berms shall be designed and constructed to prevent washouts or failures.

(b) Pits shall be constructed with rounded corners and side slopes of not less than 20 degrees measured from the vertical.

(c) Pits shall adhere to applicable soil erosion and sedimentation control measures and may require fencing.

(3) Fresh water storage pits, impoundments, or tanks shall not remain on-site more than 6 months after final completion of the well or wells for which the storage was designed unless approved by the supervisor or authorized representative of the supervisor.

R 324.1404 Ground water baseline sampling for high volume hydraulic fracturing.

Rule 1404. (1) A permit applicant or permittee of an oil and gas well for which high volume hydraulic fracturing is proposed shall collect baseline samples from all available water sources, up to a maximum of 10, within a 1/4- mile radius of the well location. All of the following apply:

(a) If more than 10 available water sources are present within a 1/4- mile radius of the proposed well location, the permit applicant or permittee shall select 10 sampling locations based on the following criteria:

(i) Available water sources closest to the proposed well location are preferred.

(ii) To the extent groundwater flow direction is known or reasonably can be inferred, sample locations from both down gradient and up-gradient are preferred over cross-gradient locations. Where groundwater flow direction is uncertain, sample locations should be chosen in a radial pattern from a well.

(iii) Where multiple defined aquifers are present, sampling the deepest and shallowest identified aquifers is preferred.

(b) Initial sampling shall be conducted not fewer than 7 days nor more than 6 months before initiation of drilling operations for a new well or in the case of a re-completion of a well, high volume hydraulic fracturing using new or existing perforations. However, initial sampling shall satisfy sampling requirements for subsequent oil and gas wells on the same or contiguous drilling sites for a period of up to 3 years.

(c) Sampling and analysis shall be conducted at the expense of the permit applicant or permittee and shall conform to all of the following procedures:

(i) Water samples shall be collected by a qualified professional utilizing proper sampling protocol and analyzed by a laboratory certified by the department.

(ii) Samples shall be analyzed for the following minimum parameters using laboratory methods approved by the United States Environmental Protection Agency:

(A) Benzene.

(B) Toluene.

(C) Ethylbenzene.

(D) Xylene.

(E) Total dissolved solids.

(F) Chloride.

(G) Methane.

(iii) The location of the sampled water sources shall be surveyed with a global positioning system device or equivalent with 3 meter or higher accuracy. The latitude and longitude coordinates shall be provided to the supervisor.

(iv) If free gas or a dissolved methane concentration greater than 1.0 milligram per liter is detected in a water sample, gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen –  $^{12}\text{C}$ ,  $^{13}\text{C}$ ,  $^1\text{H}$  and  $^2\text{H}$ ) shall be performed to identify gas origin.

(v) The permit applicant or permittee shall notify the supervisor immediately if benzene, toluene, ethylbenzene, or xylenes are detected in a water sample.

(2) The permittee shall provide copies of all final laboratory analytical results to the supervisor and the water well owner or landowner within 45 days of collecting the samples.

R 324.1405 High volume hydraulic fracturing well completion operations; notification, monitoring, reporting, and fluid containment requirements.

Rule 1405. (1) A permittee shall notify the supervisor or authorized representative of the supervisor a minimum of 48 hours prior to the commencement of a high volume hydraulic fracturing completion. If the well is an H<sub>2</sub>S well as defined in R 324.1101, a permittee shall also notify the local emergency preparedness coordinator a minimum of 48 hours before the commencement of a high volume hydraulic fracturing completion.

(2) During high volume hydraulic fracturing operations, the permittee shall monitor and record the injection pressure at the surface and the annulus pressure between the injection string and the next string of casing unless the annulus is cemented to surface. If intermediate casing has been set on the well to be stimulated, the pressure in the annulus between the intermediate casing and the production casing shall also be monitored and recorded. The permittee shall do both of the following:

(a) Submit a continuous record of the annulus pressure during the well stimulation within 60 days of completing hydraulic fracturing operations.

(b) If during the hydraulic fracturing operation the injection pressures or annulus pressures, or both, indicate a lack of well integrity, immediately cease hydraulic fracturing operations and notify the supervisor or authorized representative of the supervisor. The permittee of the well shall submit to the supervisor or authorized representative of the supervisor the plan of action the permittee intends to take before continuing hydraulic fracturing operations on the well. The permittee of the well shall not continue hydraulic fracturing in the well until the supervisor or authorized representative of the supervisor approves implementation of the plan of action. The supervisor or authorized representative of the supervisor may require suitable mechanical integrity tests of the casing or the casing tubing annulus or cement bond logs, or both. The permittee shall submit a report containing all details pertaining to the incident, including corrective actions taken, within 60 days of completing hydraulic fracturing operations.

(3) Flowback fluid shall be contained in tanks or in receptacles approved by the supervisor or authorized representative of the supervisor. Flowback fluid shall not be used for ice or dust control or road stabilization purposes. A permittee shall ensure that handling and disposal of flowback fluid does not cause waste as defined in section 61501(q) of the act.

(4) A permittee shall submit a copy of the following service company records within 60 days after completing high volume hydraulic fracturing operations:

(a) The actual total well stimulation treatment volume pumped.

(b) Detail as to each fluid stage pumped, including actual volume by fluid stage, proppant rate or concentration, actual chemical additive name, type, concentration or rate, and amounts.

(c) The actual breakdown pressure as measured at the surface or producing interval.

(d) The actual surface pressure and rate at the end of each fluid stage and the actual flush volume, rate and final pump pressure.

(e) The instantaneous shut-in pressure and the actual 15- minute and 30-minute shut-in pressures when these pressure measurements are available.

(5) A permittee shall report the following for a high volume hydraulic fracturing operation within 60 days of completing hydraulic fracturing operations:

(a) The total volume of water utilized.

(b) The volume and source of the water withdrawn and the dates during which the water was withdrawn.

#### R 324.1406 Disclosure of hydraulic fracturing fluid chemical additives.

Rule 1406. (1) A permittee shall submit information on chemical additives used in a high volume hydraulic fracturing operation using the internet-based FracFocus Chemical Disclosure Registry that is maintained by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission and is accessed at <http://fracfocus.org>. If the FracFocus Chemical Disclosure Registry is no longer maintained or available, the permittee shall submit the information on a form prescribed by the supervisor or by any other means approved by the supervisor. A permittee shall submit the information within 30 days after completion of a high volume hydraulic fracturing operation. A contractor or supplier performing a high volume hydraulic fracturing operation for a permittee or providing supplies for a high volume hydraulic fracturing operation shall timely provide to the permittee the information required for the permittee to comply with this rule. The information shall include the following:

(a) A list of all chemical additives used during the treatment specified by general type, such as acids, biocides, breakers, corrosion inhibitors, cross-linkers, demulsifiers, friction reducers, gels, iron controls, oxygen scavengers, pH adjusting agents, scale inhibitors, and surfactants.

(b) The specific trade name and supplier of each chemical additive.

(c) A list showing the specific identity of each chemical constituent intentionally added to the primary carrier fluid and its associated CAS number, except that the specific identities and CAS numbers of trade secret chemicals may be withheld under subrule (2) of this rule.

(d) The maximum concentration of each chemical constituent listed expressed as a percent by mass of the total volume of hydraulic fracturing fluids utilized.

(2) If the specific identity of a chemical constituent and its associated CAS number or concentration are a trade secret, the permittee may withhold the specific identity of the chemical constituent and its associated CAS number and concentration, but shall list the chemical family associated with the chemical constituent, or provide a similar description, and provide a statement that a claim of trade secret protection has been made by the entity entitled to make such a claim. If an independent contractor or supplier providing a chemical constituent to a permittee withholds any information required under this rule under a claim of trade secret, the contractor or supplier shall provide the information required for the permittee to timely comply with this subrule.

(3) Nothing in this rule shall authorize any person to withhold information that is required by state or federal law to be provided to a health care professional for the purpose of diagnosis or treatment of a medical condition.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF PHARMACY

RADIOPHARMACEUTICALS

Filed with the Secretary of State on March 6, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145 and 17722 of 1978 PA 368, MCL 333.16145 and 333.17722 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, being MCL 330.3101, 445.2001, 445.2011 and 445.2030)

R 338.3001, R 338.3002, R 338.3003, R 338.3004, R 338.3005, R 338.3006, and R 338.3007 of the Michigan Administrative Code are rescinded as follows:

R 338.3001 Rescinded.

R 338.3002 Rescinded.

R 338.3003 Rescinded.

R 338.3004 Rescinded.

R 338.3005 Rescinded.

R 338.3006 Rescinded.

R 338.3007 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF PHARMACY

PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

Filed with the Secretary of State on March 6, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 263 of 1976 PA 306, MCL15.263 and 16145 of 1978 PA 368, MCL 333.16145 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, being MCL 333.3101, 445.2001, 445.2011, and 445.2030.)

R 338.3031 of the Michigan Administrative Code is rescinded as follows:

R 338.3031 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION

SOLID WASTE MANAGEMENT

Filed with the Secretary of State on March 11, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by sections 11538, 11539, and 11540 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11538 to 324.11540)

R 299.4101 to R 299.4105, R 299.4106a, R 299.4110, R 299.4111, R 299.4117, R 299.4121, R 299.4128, R 299.4201, R 299.4203, R 299.4302, R 299.4307, R 299.4318, R 299.4420, R 299.4428, R 299.4430, R 299.4440, R 299.4701 to R 299.4703, R 299.4706 to R 299.4712, and R 299.4806 of the Michigan Administrative Code are amended, and R 299.4118a is added to the Code, to read as follows:

PART 1. GENERAL PROVISIONS

R 299.4101 Definitions; A, B.

Rule 101. As used in these rules:

- (a) "AASHTO" means American association of state highway and transportation officials.
- (b) "Act" means 1994 PA 451, MCL 324.101 to 324.90106, and known as the natural resources and environmental protection act.
- (c) "Act 299" means 1980 PA 299, MCL 339.101 to 339.2919, and known as the occupational code.
- (d) "Act 399" means 1976 PA 399, MCL 325.1001 to 325.1023, and known as the safe drinking water act.
- (e) "Active life" means the period of operation beginning with the initial receipt of solid waste and ending with the completion of closure activities in accordance with the act and these rules.
- (f) "Active portion" means that part of a facility or unit that has received or is **receiving wastes and that has not been partially or finally closed in accordance with** these rules. The active portion does not include areas that have interim cover which complies with R 299.4429(7) or a constructed unit or portion of a unit that has not received waste.
- (g) "Active work area" means the area which is or will be used for the storage, transport, or disposal of solid waste, methane gas, or leachate or in which heavy equipment is or will be used as part of the landfill operation. The active work area includes all of the following:
  - (i) The active portion.
  - (ii) Leachate collection and storage systems, exclusive of any of the following:
    - (A) Forcemains.
    - (B) Sewers.

- (C) Enclosed manholes.
- (D) Sewer hookups.
- (iii) Gas collection and handling systems, exclusive of any of the following:
  - (A) Enclosed flares.
  - (B) Energy recovery facilities.
  - (C) Pipelines for gas and gas condensate associated with energy recovery facilities.
- (iv) Heavy equipment storage and maintenance areas and borrow area in which heavy equipment is or will be used.
- (v) Haul roads used for waste transport, exclusive of the entrance and scales.
- (vi) Any on-site processing plant.
- (vii) Other operations that involve the storage or disposal of solid waste or leachate. Operations that do not involve the storage or disposal of solid waste or leachate, such as any of the following, are not part of the active work area:
  - (A) Monitoring wells.
  - (B) Access roads.
  - (C) Berms.
  - (D) Screening.
  - (E) Stormwater retention ponds.
  - (F) Light duty maintenance buildings.
  - (G) Office buildings.
- (h) "Applicant" means an owner or operator who has applied for a construction permit or operating license under part 115 of the act.
- (i) "Appropriate organization" means any organization that has demonstrated, or is demonstrating, a substantial interest in solid waste management.
- (j) "Aquifer" means a geologic formation, group of formations, or portion of a formation that is capable of yielding significant quantities of groundwater to wells or springs.
- (k) "Asbestos waste" means asbestos-containing waste material, as defined in 40 C.F.R. §61.141 under the national emission standard for asbestos. The definition of asbestos-containing waste material and related definitions are adopted by reference in R 299.4131.
- (l) "ASTM" means the American society for testing and materials.
- (m) "Attendant" means the individual who accepts solid waste at the entrance to the solid waste disposal area.
- (n) "Average daily flow rate" means the average flow, in gallons per acre per day, removed from a secondary collection system or leak detection during the last 3 months. The average daily flow rate shall be calculated monthly by averaging the flow rate for the current month with those from the preceding 2 months.
- (o) "Background" means the concentration or level of a substance which exists in the environment at or regionally proximate to a site and which is not attributable to any release at or regionally proximate to the site.

R 299.4102 Definitions; C to E.

Rule 102. As used in these rules:

- (a) "Closed unit" means a landfill unit at which final closure has been completed and certified in accordance with R 299.4317 or R 299.4449.
- (b) "Commercial waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, but does not include household waste from single

residences, hazardous waste, and industrial wastes. Commercial waste includes solid waste from any of the following:

- (i) Multiple residences.
- (ii) Hotels and motels.
- (iii) Bunkhouses.
- (iv) Ranger stations.
- (v) Crew quarters.
- (vi) Campgrounds.
- (vii) Picnic grounds.
- (viii) Day-use recreation areas.
- (c) "Composite liner" means a system that consists of both of the following components:
  - (i) An upper component that consists of a flexible membrane liner which is installed in direct and uniform contact with the lower compacted soil component. The flexible membrane liner shall have a nominal thickness not less than 30 mils thick. For high-density polyethylene components, the flexible membrane shall have a nominal thickness not less than 60 mils.
  - (ii) A lower component that consists of any of the following soil layers:
    - (A) Compacted soil which is not less than 2 feet thick and which is in compliance with R 299.4913.
    - (B) A bentonite geocomposite liner that is in compliance with R 299.4914.
    - (C) An alternative soil layer that is approved under these rules.
  - (d) "Composting" means the process by which biological decomposition of yard clippings or compostable material is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner. The presence of insignificant anaerobic zones within the composting material will not cause the process to be classified as other than composting.
  - (e) "Composting facility" means a facility where composting of yard clippings or compostable material occurs using composting technology. Composting technology may include physical turning, windrowing, aeration, or other mechanical handling of organic matter.
  - (f) "Construction and demolition waste" means waste building materials, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures. Construction and demolition waste includes trees and stumps which are more than 4 feet in length and 2 inches in diameter and which are removed from property during construction, maintenance, or repair. Construction and demolition waste does not include any of the following, even if it results from the construction, remodeling, repair, and demolition of structures:
    - (i) Asbestos waste.
    - (ii) Household waste.
    - (iii) Corrugated containerboard.
    - (iv) Appliances.
    - (v) Drums and containers.
    - (vi) Any aboveground or underground tank and associated piping, except septic tanks.
    - (vii) Solid waste that results from any processing technique which renders individual waste components unrecognizable, such as pulverizing or shredding, unless the type and origin of such waste is known not to contain the wastes listed in paragraphs (i) to (vi) of this subdivision.
  - (g) "Contiguous property" means the same or geographically contiguous property that may be divided by a public or private right-of-way. Pieces of property owned by the same person and connected by a right-of-way which the owner controls and to which the public does not have access are also contiguous.
  - (h) "Designated planning agency" means a governmental unit or regional planning agency that is determined, under the act, to be responsible for the preparation of a solid waste management plan.

(i) "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, that are capable of transmitting disease to humans.

(j) "Disposal" means any of the following:

(i) The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. Disposal includes the placement of solid waste in an open dump, landfill, or waste piles that are not exempt under R 299.4129(2) or R 299.4130.

(ii) The open burning or incineration of solid waste.

(iii) The processing of solid waste.

(iv) The storage or handling of solid waste at a solid waste transfer facility.

(v) The abandonment of solid waste in place of other disposal.

(k) "Disposal area type" means 1 of the following types of disposal areas defined by the act and these rules:

(i) Municipal solid waste landfill.

(ii) Industrial waste landfill.

(iii) Construction and demolition waste landfill.

(iv) Municipal incinerator ash landfill.

(v) Incinerator.

(vi) Processing plant.

(vii) Transfer facility.

(viii) Waste pile.

(l) "Domestic well" means a well that is intended to furnish water to a single household for any beneficial use.

(m) "Enforceable mechanism" means a legal method whereby the state, a county or municipal government, or a person can take action to guarantee compliance with an approved county solid waste management plan. Enforceable mechanisms include any of the following:

(i) Contracts.

(ii) Intergovernmental agreements.

(iii) Laws.

(iv) Ordinances.

(v) Rules.

(vi) Regulations.

(n) "Environmental contamination" means the release of a hazardous substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

(o) "Environmental interest group" means a nonprofit citizens' organization that has bylaws which support environmental enhancement or the conservation of Michigan's natural resources and that has an organization which does not directly reflect an economic interest of its members.

(p) "Existing disposal area" means any of the following:

(i) A disposal area that has been issued a construction permit under the act.

(ii) A disposal area that had engineering plans approved by the director before January 11, 1979.

(iii) An industrial waste landfill that was authorized to operate by the director or by court order before October 9, 1993.

(iv) An industrial waste pile that is located at the site of generation on October 9, 1993.

(q) "Existing unit" or "existing landfill unit" means any landfill unit that receives solid waste as of October 9, 1993. Waste placement in existing landfill units shall be consistent with past operating practices or modified practices to ensure good management.

R 299.4103 Definitions; F to L.

Rule 103. As used in these rules:

- (a) "Facility" means a solid waste disposal area as defined in R 299.4106a.
- (b) "Floodplain" means the lowland and relatively flat areas which adjoin inland and coastal waters and which are inundated by the 100-year flood. The 100-year flood is a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.
- (c) "Floodway" means the channel of a watercourse and those portions of the floodplain adjoining the channel that are reasonably required to transmit the 100-year flood.
- (d) "Food processing wastes" means solid wastes that result from processing fruits and vegetables for preservation by freezing, drying, or canning.
- (e) "General public" means private citizens who are unlikely to incur a financial gain or loss greater than that of an average homeowner, taxpayer, or consumer as a result of any action taken by a planning committee.
- (f) "Geologist" or "qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and who has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university programs, to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.
- (g) "Geotextile" means any permeable material that is used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of a man-made structure or system.
- (h) "Groundwater" means water below the land surface in a zone of saturation.
- (i) "Groundwater level" means the surface of the groundwater in the uppermost aquifer in unconfined conditions or the bottom of the confining bed in confined conditions.
- (j) "Hazardous substance" means a hazardous substance as defined in part 201 of the act.
- (k) "Household waste" means any solid waste that is derived from single households, but does not include any of the following:
  - (i) Commercial waste.
  - (ii) Industrial waste.
  - (iii) Construction and demolition waste.
- (l) "Hydraulic conductivity" or "permeability" means the rate of flow of a liquid under a differential pressure through a material. The hydraulic conductivity of cohesive soils shall be determined using the methods specified in R 299.4920.
- (m) "Incinerator" means a device which is specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material, or both, and in which the products of combustion are emitted into the outer air by passing through a stack or chimney. For purposes of the act and these rules, the following devices are not incinerators:
  - (i) A thermal treatment unit that is designed solely for the purpose of destroying contaminants in soil.
  - (ii) Boilers, industrial furnaces, or power plants that burn site-separated material, source-separated material, or industrial waste as fuel.
  - (iii) A device that is used to incinerate medical waste and other waste from a facility that generates medical waste.
- (n) "Industrial waste" means solid waste which is generated by manufacturing or industrial processes or originates from an industrial site and which is not a hazardous waste regulated under part 111 of the act.

(o) "Industrial waste landfill" means a landfill that is used for the disposal of industrial waste which has been characterized for hazard and which has been determined to be nonhazardous under part 111 of the act. An industrial waste landfill may accept industrial waste of different types and from different generators, but shall not accept hazardous waste generated by conditionally exempt small quantity generators, as defined under part 111 of the act.

(p) "Landfill unit" means a discrete area of land which is permitted to receive waste for permanent disposal and which is not a waste pile. For purposes of these rules, the discrete area shall consist of all areas where waste is or will be contiguous, excluding any portion that has been closed under part 111 of the act. Contiguous portions may be separated by berms and may contain different liner or leachate collection designs and separate leachate collection systems, if waste in one portion is or will be in contact with waste in another portion. The boundaries of a landfill unit may be increased by lateral extensions consistent with the construction permit or plans approved by the department. A landfill unit may be any of the following:

- (i) A new unit.
- (ii) An existing unit.
- (iii) A preexisting unit.
- (iv) A closed unit.

(q) "Lateral expansion" means a horizontal expansion of the solid waste boundary of a landfill beyond the limit established in a construction permit or engineering plans approved by the solid waste control agency before January 11, 1979.

(r) "Lateral extension" means the extension of an existing unit within the solid waste boundary, but beyond that area constructed and licensed on October 9, 1993.

(s) "Leachate" means liquid which has come in contact with, passed through, or emerged from, solid waste and which contains soluble, suspended, or miscible materials that are removed from the wastes.

(t) "Lead acid battery" means a storage battery in which the electrodes are grids of lead oxides that change in composition during charging and discharging and in which the electrolyte is dilute sulfuric acid.

(u) "Leak detection system" means the secondary collection system of an unmonitorable unit. The purpose of a leak detection system is to detect, collect, and remove leaks of hazardous substances at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and postclosure period.

(v) "Lift" means a layer of placed material, including a layer of compacted clay in a landfill layer or cap, or a layer of waste in a sanitary landfill.

(w) "Liquid waste" means any waste material that is determined to contain free liquids as defined by method 9095, the paint filter liquids test, as described in the publication entitled "Test Methods for Evaluating Solid Wastes, Physical-Chemical Methods" SW-846, which is adopted by reference in R 299.4133. For purposes of the act and these rules, liquid waste does not include industrial waste sludges that are disposed of at a location other than a type II landfill.

#### R 299.4104 Definitions; M to R.

Rule 104. As used in these rules:

(a) "Medical waste" means waste as defined in section 13825 of 1978 PA 368, MCL 333.13825.

(b) "Method detection limit" means the minimum concentration of a substance which can be measured and reported with 99% confidence, for which the analyte concentration is greater than zero, and which is determined from analysis of a sample in a given matrix that contains the analyte.

(c) "Monitorable unit" means a landfill unit for which it is possible to determine the unit's impact on groundwater using groundwater monitoring. A unit remains a monitorable unit in any of the following circumstances:

(i) A unit's monitoring system detects hazardous substances above background, but the owner or operator demonstrates that the source of hazardous substances is not a landfill unit at or adjacent to the facility and that other substances that do not exceed background can be used as reliable indicators of leakage from the unit.

(ii) The unit is constructed over or adjacent to an open dump or another unit, but an impact on the groundwater has not been detected from the open dump or another unit.

(iii) The director waives groundwater monitoring for the unit.

(d) "Municipal solid waste landfill" or "type II landfill" means a landfill which receives household waste or municipal solid waste incinerator ash, and which is not a land application unit, surface impoundment, injection well, or waste pile. A municipal solid waste landfill also may receive other types of solid waste, such as any of the following:

(i) Construction and demolition waste.

(ii) Sewage sludge.

(iii) Commercial waste.

(iv) Nonhazardous sludge.

(v) Hazardous waste from conditionally exempt small quantity generators.

(vi) Industrial waste. Such a landfill may be publicly or privately owned.

(e) "New disposal area" means a disposal area that requires a construction permit under the act and includes all of the following:

(i) A disposal area, other than an existing disposal area, that is proposed for construction.

(ii) For landfills, a lateral expansion, vertical expansion, or other expansion that results in an increase in the design capacity of an existing disposal area.

(iii) For disposal areas other than landfills, an enlargement in capacity beyond that indicated in the construction permit or in engineering plans approved before January 11, 1979.

(iv) For all disposal areas, an alteration of an existing disposal area to a different disposal area type than had been specified in the previous construction permit application or in engineering plans that were approved by the director or his or her designee before January 11, 1979.

(f) "Natural soil barrier" means any combination of natural or recompacted soil which is not less than 10 feet thick and which consists predominantly of soils that have a unified soil classification of SC, ML, CL, CL/ML, or CH. A natural soil barrier may contain soil types other than SC, ML, CL, CL/ML, or CH if the anomalous soils are not hydraulically connected to the uppermost aquifer, do not extend beyond the solid waste boundary, and are not considered as part of the thickness determination.

(g) "New unit" means any landfill unit that has not received solid waste before October 9, 1993.

(h) "Nuisance" means conditions that unreasonably interfere with the enjoyment of life and property, such as noise, blowing debris, odors, vectors, or pest animals.

(i) "Open burning" means either of the following:

(i) A fire from which the products of combustion are emitted directly into the outer air without passing through a stack or chimney.

(ii) The combustion of solid waste without controlling combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

(j) "Open dump" means a disposal area which is not licensed under the act and which is not otherwise authorized by the director.

- (k) "Operator" means the person who is in control of, or responsible for, the operation of a facility or part of a facility.
- (l) "Owner" means the person who owns a facility or part of a facility.
- (m) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.
- (n) "Planning committee" means a committee that is established under the act to aid in the preparation of a county solid waste management plan.
- (o) "Practical quantitation limit" means the lowest level that can be reliably achieved within specified limits of precision and accuracy under routine laboratory conditions and based on all of the following:
- (i) Quantitation.
  - (ii) Precision and accuracy.
  - (iii) Normal operation of the laboratory.
  - (iv) The practical need in a compliance monitoring program to have a sufficient number of laboratories available to conduct the analyses.
- (p) "Preexisting unit" means any landfill unit which is or was licensed under the act, but which does not receive waste after October 9, 1993.
- (q) "Processing" means changing the physical or chemical character of solid waste, by separation, treatment, or other methods, so as to make the waste or a constituent of the waste disposable or usable as a resource. The following activities do not constitute processing:
- (i) Compaction.
  - (ii) Incineration, thermal treatment of contaminated soil, or burning waste as fuel, if these activities are permitted under part 55 of the act.
  - (iii) Metal processing by scrap dealers.
  - (iv) Industrial operations that use, reuse, or reclaim industrial waste, source-separated material, or site-separated material to make a raw material or new product.
  - (v) Separation of recyclable materials from small quantities of solid waste. A small quantity is not more than 2 tons per day or 60 tons per month.
  - (vi) Separation of recyclable material at a landfill.
  - (vii) The separation of small quantities of solid waste from source-separated material. The volume of solid waste removed shall be considered a small quantity if it is less than 10% of the total volume of material received.
  - (viii) Composting of yard clippings, if the requirements of section 11521 are met.
  - (ix) Composting of material other than yard clippings which is approved under R 299.4121 and which does not involve more than 500 cubic yards at any time. Composting facilities exceeding 500 cubic yards shall be licensed as processing plants.
  - (x) Shredding or chipping of trees, stumps, and brush.
  - (xi) Treatment of contaminated soil or other waste generated from the remediation of environmental contamination at the site of environmental contamination before disposal at a facility licensed under this part.
  - (xii) The addition of small quantities of sorbent material to individual loads of waste within the active portion of a type II landfill.
- (r) "Public meeting" means a regularly scheduled meeting of the designated planning agency.
- (s) "Regulated hazardous waste" means a hazardous waste, as defined in R 299.9203, that is not excluded from regulation under R 299.9204 or that was not generated by a conditionally exempt small quantity generator as defined in R 299.9205.
- (t) "Responsible individual" means an individual who is familiar with the requirements of the act and these rules as they relate to the daily operation and maintenance of the solid waste disposal area where

he or she is employed and who has the capability and the authority to make decisions regarding the daily operation and maintenance of that disposal area which are necessary to comply with the act and these rules.

(u) "Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(v) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

#### R 299.4105 Definitions; S to W.

Rule 105. As used in these rules:

(a) "Sanitary landfill" means a type of disposal area consisting of 1 or more landfill units and the active work areas associated with these units. Sanitary landfills shall be classified as 1 of the following types of landfills:

(i) A type II landfill, which is a municipal solid waste landfill and includes a municipal solid waste incinerator ash landfill.

(ii) A type III landfill, which is any landfill that is not a municipal solid waste landfill or hazardous waste landfill and includes all of the following:

(A) Construction and demolition waste landfills.

(B) Industrial waste landfills.

(C) Landfills which accept waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(b) "Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

(c) "Scavenging" means the uncontrolled picking of materials from solid waste.

(d) "Secondary collection system" means the liquid collection and removal system between the liners of a multiple liner system in a landfill cell. In the case of an unmonitored unit, the secondary collection system is also a leak detection system.

(e) "Sludge" means any solid or semisolid waste that is generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. "Sludge" also includes any other semisolid industrial waste.

(f) "Specific site" means an area within a municipality or municipalities.

(g) "Sole-source aquifer" means those aquifers that are designated under section 1424(e) of the federal safe drinking water act of 1974, Public Law 93-523, 42 U.S.C. §300h et seq.

(h) "Solid waste boundary" means the outermost perimeter of the solid waste (projected in the horizontal plane) as it would exist at completion of the sanitary landfill and as authorized in a construction permit or in engineering plans approved for the landfill unit by the solid waste control agency before January 11, 1979.

(i) "Solid waste control agency" means the certified health department that has jurisdiction in the county or, in the absence of a certified health department, the department.

(j) "Solid waste management industry" means any of the following:

(i) An individual or organization that derives a substantial portion of its income from the collection, transportation, or disposal of solid waste.

(ii) A manufacturing industry that collects, transports, and disposes of solid waste that is generated incidental to its operation.

(iii) A unit of government or subdivision thereof that collects, transports, or disposes of solid waste within its political boundary when 4 members, as defined in paragraphs (i) and (ii) of this subdivision, cannot be found.

(k) "Solid waste management system" means a set of procedures that provides for the collection, transportation, separation, recycling, recovery, and disposal of solid waste.

(l) "Speculative accumulation" means the storage of material intended for recycling or reuse at a site for a period of over 1 year, or for low-hazard industrial waste accumulated at the site of generation, a period of 3 years. A material is not accumulated speculatively, however, if the person who accumulates it can show that the material can be recycled into marketable raw materials or new products and that, during the period, the amount of material that is recycled or that is transferred to a different site for recycling equals not less than 75%, by weight or volume, of the amount of material that was accumulated at the beginning of the period.

(m) "Standard industrial classification number" means the number assigned to an industry by the United States office of management and budget and contained in the standard industrial classification manual. The manual is adopted by reference in R 299.4132.

(n) "Statistically significant increase" means a verified increase in groundwater concentration for a given constituent for which statistical analysis is required in the approved hydrogeological monitoring plan that is inconsistent with background concentrations given chance expectations for the site as a whole.

(o) "Sump" means any lined pit, manhole, or reservoir that serves to collect liquids drained from a leachate collection and removal system, secondary collection system, or leak detection system.

(p) "Surface water" means a body of water that has its top surface exposed to the atmosphere and includes a flowing body, a pond, or a lake, except for drainageways and ponds that are used solely for wastewater conveyance, treatment, or control.

(q) "Synthetic liner" or "flexible membrane liner" means very low-permeability synthetic membrane liners or barriers that are used with any geotechnical engineering-related material as an integral part of a man-made project, structure, or system.

(r) "Total inorganic nitrogen" means the sum of ammonia-nitrogen, nitrate-nitrogen, and nitrite-nitrogen.

(s) "TSCA" means the toxic substances control act, 15 U.S.C. §2601 et seq.

(t) "Unmonitorable unit" means a landfill unit that is not a monitorable unit.

(u) "Uppermost aquifer" means the geologic formation which is nearest to the natural ground surface and which is an aquifer and includes lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(v) "Vertical expansion" means the landfilling of solid waste above the elevations indicated in the construction permit or in engineering plans approved for the landfill unit by the solid waste control agency before January 11, 1979. Increases in elevation approved by the director are not new disposal areas if the volume of waste to be disposed of is not expanded beyond the volume previously approved and if the expansion is in compliance with the act and these rules.

(w) "Wetland" means the areas defined as wetlands in part 303 of the act.

#### R 299.4106a Definitions of terms used in act.

Rule 106a. As used in the act:

(a) "Approved hydrogeologic monitoring program" means a monitoring program which is approved by the director and which is in compliance under R 299.4905.

(b) "Compost" means organic matter from yard clippings or compostable materials that have undergone biological decomposition by composting, that have been stabilized to a degree that it is potentially beneficial to plant growth without creating a nuisance, and that are used or sold for use as a soil amendment, artificial topsoil, or growing medium amendment or for other similar uses.

(c) "Conversion" means the process by which any of the following is recycled into marketable raw materials or new products:

- (i) Glass.
- (ii) Metal.
- (iii) Wood.
- (iv) Paper products.
- (v) Plastics.
- (vi) Rubber.
- (vii) Textiles.
- (viii) Garbage.
- (ix) Yard clippings.
- (x) Other materials approved by the department.

Conversion includes the composting of yard clippings and compostable material in accordance with these rules, but does not include the speculative accumulation of the materials specified in this subdivision.

(d) "Establish a disposal area" as used in the act, means to create a new disposal area, as defined in these rules.

(e) "Modification" means a significant change in the approved plans for a landfill that does not constitute an upgrading, including any of the following:

(i) An increase in the final elevation of a landfill unit that does not result in an increase in design capacity or a change in the solid waste boundary. An increase in the final elevation of a landfill which is necessary to comply with changes in the act or these rules, but which does not result in a vertical expansion, is not a modification.

(ii) A reduction in the protection provided by a liner or cover system.

(iii) Other significant changes in design. The substitution of one equivalent type of material for another in a landfill design shall not be considered significant, if the change is approved by the department.

(f) "New products" means marketable consumer goods produced from site- separated or source-separated material. New products shall not be used in a manner constituting disposal, unless the new products are any of the following:

- (i) Inert materials.
- (ii) Compost produced from yard clippings.
- (iii) Compostable material.

(iv) Material applied to the land for agricultural or silvicultural use in a manner consistent with the act and these rules.

(g) "Operating landfill," as used in section 11525a of the act, means a landfill which is either open or closed, but which has not completed the postclosure period specified in the act.

(h) "Raw materials" means materials that are returned for reuse to the original industry which produced the material, that are sold for use in an industrial process to make new products, or that are used as fuel in a unit permitted to burn the material as fuel under part 55 of the act.

(i) "Rubber" means crumb rubber or ground tires that does not contain steel and fiber.

(j) "Scrap" means metal that is a recyclable material. Used appliances shall not be considered scrap unless capacitors or other parts that may contain polychlorinated biphenyls have been removed and disposed of in compliance with the act and TSCA, if applicable.

(k) "Solid waste disposal area" means the disposal area that is approved in a construction permit or engineering plans approved by the solid waste control agency before January 11, 1979, and all

contiguous property that is owned by the same person which has been approved for the disposal of solid waste in other construction permits.

- (l) "Upgrading," as used in section 11510 of the act, means any of the following:
  - (i) The installation of thicker or additional liners in the bottom or final cover of a landfill.
  - (ii) The installation of gas recovery systems at a landfill.
  - (iii) The installation of equipment to separate recyclable material at a landfill.
  - (iv) A restriction in the type of waste that is received at a landfill beyond that previously approved.
  - (v) Other improvements to a disposal area that are approved by the director.

R 299.4110 "Other wastes regulated by statute" defined.

Rule 110. As provided by section 11506 of the act, the following wastes are "other wastes regulated by statute" and are exempt from regulation as solid wastes under part 115 of the act:

- (a) Hazardous waste regulated under part 111 of the act.
- (b) Waste which is contaminated by polychlorinated biphenyls and which is disposed of in a facility that is licensed under TSCA.
- (c) Drilling muds, land clearing debris, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy, when managed within the same field where it was generated and where such management is authorized by the supervisor of wells in a permit or order issued under part 615 of the act.
- (d) Dredgings that are approved by the department for disposal under either of the following provisions:
  - (i) By issuance of a permit issued under part 301 or part 325 of the act authorizing the disposal, if dredgings of more than 300 cubic yards that are removed from either an area of concern identified by the international joint commission or an area adjacent to or immediately downstream of a facility regulated under part 201 of the act are evaluated for contamination and, if contaminated, are managed in a manner consistent with part 201 of the act. To evaluate dredgings for contamination, a person shall do either of the following:
    - (A) Analyze for PCB's, polynuclear aromatic hydrocarbons, and the metals identified in table 101. Dredgings shall not be considered contaminated if they meet the criteria for inert material specified in section 11553(5) or (6).
    - (B) Instead of analyses, demonstrate that the particle sizes of the dredgings are such that 95% or more of the particles will be retained on a No. 200 sieve.
  - (ii) by department approval of a finding of no significant impact prepared under the national environmental policy act of 1969, §42 U.S.C. 4321 et seq.
- (e) Tires that are managed in compliance with part 169 of the act.
- (f) Animals that are composted or disposed of in accordance with 1982 PA 239, MCL 287.651 to 287.683.
- (g) Earth overburden, rock, lean ore, and iron ore tailings that are regulated under part 631 of the act.
- (h) Septage waste which is regulated under part 117 of the act and which is disposed of in a land application unit.
  - (i) The following waste that is regulated under part 31 of the act:
    - (i) Liquid waste that is disposed of in accordance with a permit or order issued under part 31 of the act, except for sludges or residues that are generated from the disposal.
    - (ii) Sludge that is disposed of in a land application unit under a residuals management plan which is approved under part 31 of the act.
  - (j) The following waste, at the point that it is regulated under part 55 of the act:
    - (i) Wood and stumps that are burned in accordance with part 55 and part 515 of the act.

(ii) Medical waste that is burned in a unit which is permitted or licensed to burn the waste under part 55 of the act. Medical waste that is disposed of at a location other than at a unit as specified in this paragraph is not exempt from part 115 of the act and these rules.

(iii) Contaminated soil that is treated in a thermal treatment unit which is permitted under part 55 of the act, if the soil is contained at the treatment site so that the operation does not expose the soil to the atmosphere and the elements. Residues from the treatment shall be disposed of under a plan that is approved by the department.

(iv) Chipped tires, creosote railroad ties, and industrial waste that is burned as fuel in a boiler, industrial furnace, or power plant which is permitted under part 55 of the act, to burn the waste as fuel.

(k) Contaminated soil or other waste that is generated from the remediation of environmental contamination, and that is allowed to be disposed of at the site of environmental contamination or at other property which is owned by the responsible party under a remedial action plan that is approved under part 201 or part 213 of the act.

(l) Solid waste in open dumps which did not receive waste after October 9, 1991, and which receive final cover pursuant to either of the following provisions:

- (i) A remedial action plan that is approved under part 201 of the act.
- (ii) A grant under part 191 or part 195 of the act.

R 299.4111 Nondetrimental material managed for agricultural or silvicultural use; conditions for exemption as solid waste.

Rule 111. (1) A person shall not apply sludges, ashes, or other solid waste to the land without having obtained a license under the act, unless the director has approved a plan for managing the wastes as nondetrimental materials that are appropriate for agricultural or silvicultural use or has otherwise authorized the application under part 31 of the act.

(2) A plan for managing nondetrimental materials that are appropriate for agricultural or silvicultural use shall contain all of the following information:

(a) Analytical data that is required under R 299.4118a to characterize the material.

(b) Additional characteristics of the material applicable to its proposed use. Wastes that are proposed for use as fertilizer shall be characterized by representative sampling and analysis for all of the following using analytical procedures that are specified by the EPA publication entitled "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", SW-846, 3rd edition, which is adopted by reference in R 299.4133, or the document entitled "Standard Methods for the Examination of Water and Wastewater," 19th edition, which is adopted by reference in R 299.4139:

- (i) Percent dry solids.
- (ii) Total kjeldahl nitrogen.
- (iii) Total ammonia nitrogen.
- (iv) Nitrate nitrogen.
- (v) Total phosphorus.
- (vi) Specific gravity.
- (vii) Chemical oxygen demand.
- (viii) Five-day biological oxygen demand.
- (ix) pH.

(c) All of the following information to characterize the soil types at the application area or areas:

- (i) Soil type.
- (ii) Soil pH.
- (iii) Lime index.
- (iv) Cation exchange capacity.

- (v) Proposed nutrient application rates.
- (d) The name and address and written approval of the titleholder of the land or lands.
- (e) The proposed application rate.
- (f) The proposed method of application, including the equipment to be used.
- (g) The method and frequency of soil tilling to be employed.
- (h) The type of vegetation to be maintained, and how it will be managed.

(3) The director shall approve a plan that is submitted under this rule if he or she finds that application of the material to the land will serve as an effective fertilizer or soil conditioner or serve another beneficial use and will be applied to the soil at an agronomic rate, but will not violate part 31 or part 55 of the act or any other state law and will not create a nuisance.

(4) The director shall approve or deny a plan that is submitted under this rule within 120 days of receiving a plan that contains the information specified in subrule (2) of this rule. The director shall impose any conditions on a plan that are necessary to protect human health and the environment.

R 299.4117 Criteria for designating inert materials appropriate for specific reuse instead of virgin material.

Rule 117. (1) A person may petition the director to designate a solid waste as an inert material appropriate for a specific type of reuse instead of virgin material.

(2) The director shall approve a petition pursuant to this rule if the petition demonstrates any of the following:

(a) The material meets the criteria of section 11553(5) or (6).

(b) The material does not pose a greater hazard to human health and the environment during reuse than the virgin material that it replaces when used in the following manner:

(i) As a component of concrete, grout, mortar, or casting molds.

(ii) When used as a raw material in asphalt for road construction.

(iii) As aggregate, road, or building material that, in ultimate use, will be stabilized or bonded by cement, limes, or asphalt.

(iv) In other uses that are approved by the director.

(3) A petition to designate a material as inert for specific reuse shall contain the information specified in R 299.4118a for all of the following:

(a) The waste material itself.

(b) The product, if any, that contains the waste as a component.

(c) Either or both of the following, if necessary for comparison with the waste or waste product:

(i) The raw material that the waste replaces.

(ii) The product, if any, that contains raw material other than waste.

(4) A person may conduct a pilot project on the suitability of using low-hazard industrial waste for a specific reuse if all of the following conditions are met:

(a) The amount used is not more than 100 tons.

(b) The person notifies the director or his or her designee before use.

(c) The person submits a report on the reuse, as specified in subrule (6) of this rule.

(d) The person verifies that the storage of low-hazard industrial waste awaiting the pilot project has not resulted in environmental contamination.

(5) A person may petition the director to designate a solid waste that is not in compliance with the definition of a low-hazard industrial waste as an inert material for the purpose of conducting a pilot project on the suitability of the waste for a specific reuse. The director shall approve the petition if both of the following conditions are met:

(a) The petition includes a detailed description of the proposed pilot project, including all of the following:

- (i) The location of the project.
- (ii) A description of the waste, including a characterization that complies with the provisions of R 299.4118a.
- (iii) The volume of waste to be used.
- (iv) The nature of the reuse, and a description of any processes that are required to convert the waste to a product.
- (v) The procedures for conducting all testing on the final product to determine compliance with the provisions of subrule (1) of this rule which ensure representative sampling of the final product.

(vi) The proposed completion date.

(b) The director determines that the project does not pose an unacceptable risk of environmental contamination.

(6) A person who conducts a pilot project pursuant to the provisions of this rule shall submit a final report to the director or his or her designee within 90 days of the completion date that describes the results of the project.

R 299.4118a Petitions to classify wastes.

Rule 118a. (1) A person may petition the director to designate a material as beneficial use by-product for 1, 2, 4, or 5, inert material, a source separated material, a site separated material, a low hazard industrial waste, another material that could be approved by the department under part 115, nondetrimental or recycled material pursuant to R 299.4111, inert material appropriate for specific reuse pursuant to R 299.4117 or a compostable material pursuant to R 299.4121.

(2) A petition to classify a material and its use shall include all of the following information:

- (a) The name and site address of the facility that generates or uses the material.
- (b) The facility contact person and phone number.
- (c) The general description of the material for which the petition is submitted, including all of the following:

(i) A description of the process that is used to produce the material, including a schematic diagram of the process and a list of raw materials that are used in the process.

(ii) Documentation that the material is not a hazardous waste, as defined in part 111 of the act and the administrative rules promulgated under part 111 of the act.

(iii) The proposed use or disposal method for the material.

(d) Analytical testing on a representative number of samples consistent with its use. Four samples shall be considered to be the minimum number of samples that must be tested and may increase depending on the variability of the sample results. If a hazardous substance is reported to be present in a sample at concentrations above the classification criteria of these rules, a person may demonstrate that the data are not statistically significant, using 1 of the methods specified in R 299.4908. Sampling shall be done consistent with the requirements contained in the EPA document entitled "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW-846 3<sup>rd</sup> edition, which is adopted by reference in R 299.4133; 1 or more peer-reviewed standards developed by a national or international organization such as ASTM International, 1 or more standards approved by the department or EPA, or any other method approved by the department that more accurately simulates mobility. The samples shall be tested as relevant for the determination for total concentrations, leachable concentrations, or both, of any hazardous substance that the person has knowledge or has reason to believe could be present in the material at a level of concern.

(e) Chain of custody.

(f) Quality control/quality assurance information from the testing lab.

(g) In lieu of submitting information required in subdivisions (d) to (f) of this subrule, a petitioner may demonstrate that a material is a beneficial use by-product by submitting relevant and appropriate documentation for a determination under MCL 324.11553(4).

(h) In lieu of submitting information required in subdivisions (d) to (f) of this subrule, a petitioner may demonstrate that a material is an inert material by submitting relevant and appropriate documentation for a determination under MCL 324.11553(6).

(i) In lieu of submitting information required in subdivisions (d) to (f) of this subrule, a petitioner may demonstrate that a material is source separated in accordance with MCL 324.11506(6)(k) by submitting relevant and appropriate documentation for a determination under MCL 324.11553(8).

(j) In lieu of submitting information required in subdivisions (d) to (f) of this subrule, a petitioner may demonstrate that a material is site separated material by submitting relevant and appropriate documentation consistent with MCL 324.11505(9).

(k) In lieu of submitting information required in subdivisions (d) to (f) of this subrule, Petitioner may demonstrate that a material fits a requested classification recognized in another provision of part 115, MCL 324.11501 et seq., which allows for approval by the department by submitting relevant and appropriate documentation consistent with the cited provision.

R 299.4121 Petitions for use of solid waste other than yard clippings as compost.

Rule 121. (1) A person shall not use a solid waste, other than yard clippings, as compost, unless the director approves the waste as a separated material appropriate for such use pursuant to the provisions of this rule.

(2) A person who proposes to separate a waste for use as compost shall file a petition with the director pursuant to the provisions of R 299.4118a. To characterize such compost, the petitioner shall include all of the following information in the petition:

(a) The type of waste and its potential for creating a nuisance or environmental contamination.

(b) Compost maturity, as determined by a reduction of organic matter during composting. Organic matter shall be determined by measuring the volatile residues content using EPA method 160.4 or another method that is approved by the director.

(c) Foreign matter content, as determined by drying a sample of compost using EPA method 160.3 and by passing a weighed sample of the dried compost through a 14- or 6-millimeter screen. The material remaining on the screen shall be separated and weighed. The weight of the separated foreign matter divided by the weight of the total sample multiplied by 100 shall be the foreign matter content.

(d) Particle size, as determined by a sieve analysis.

(3) The director shall approve a material for use as compost if the person who proposes such use demonstrates all of the following:

(a) The material has or will be converted to compost under controlled conditions at a composting facility.

(b) The material will not be a source of environmental contamination or cause a nuisance.

(c) Use of the compost material will be done at agronomic rates.

(4) EPA methods 160.3 and 160.4 are contained in the document entitled "Methods for Chemical Analysis of Water and Waste, EPA-600," March, 1979 edition, and are adopted by reference in R 299.4138.

R 299.4128 Open dumping and open burning prohibited.

Rule 128. (1) A person shall not dispose of solid waste in an open dump, except as provided in the act.

(2) Solid waste from an individual's own household or from the planting of privately owned farmland shall be considered a hazard to health and shall not be disposed of in an open dump upon the individual's own land, as provided in section 11512 of the act, if it is any of the following:

- (a) Asbestos waste.
- (b) A hazardous commercial chemical product.
- (c) A used battery.
- (d) A pesticide container.
- (e) Waste from the demolition of the residence, except for components that are listed as inert material in section 11504(2).

(3) Open burning of solid waste is prohibited, except as provided in subrules (4), (5), and (6) of this rule.

(4) If not prohibited by local ordinance, an individual is not prohibited by the act and these rules from burning solid waste from the individual's own household upon the individual's own land if both of the following conditions are met:

(a) The burning does not create a nuisance and is otherwise in compliance with part 55 of the act and the administrative rules promulgated under part 55 of the act.

(b) The burning is conducted in an approved container constructed of metal or masonry that has a metal covering device that does not have openings larger than  $\frac{3}{4}$  inch.

(5) A person may burn waste for energy recovery in a facility other than an incinerator under R 299.4110.

(6) A person may burn trees, logs, brush, and stumps under R 299.4110.

(7) The open burning of grass clippings or leaves, or both, is prohibited in any municipality that has a population of 7,500 or more persons under section 11522 of the act, unless specifically authorized by local ordinance. A municipality shall report an open burning ordinance to the department within 30 days of the enactment of the ordinance.

## PART 2. CERTIFICATION OF LOCAL HEALTH DEPARTMENTS

R 299.4201 Certification procedure.

Rule 201. (1) By July 1 of each year, an uncertified city, county, or district department of health that desires to be considered for certification shall file an application on a form provided by the department.

(2) An application request shall be accompanied by a document that contains the proposed methods, budget, and staffing to be used to carry out the performance requirements of R 299.4203 to R 299.4206. The document shall list the classification of designated authorized representatives to participate in the program and shall include all other pertinent information that may be deemed necessary by the department.

(3) The minimum qualifications for individuals who have direct supervisory responsibility for the solid waste management program are as follows:

(a) A baccalaureate degree or equivalent experience and training in any of the following:

- (i) Sanitary science.
- (ii) Public health.
- (iii) Engineering.
- (iv) Physical, chemical, or biological science.
- (v) Natural resources.

(b) Two years of experience in environmental regulatory programs.

(4) The application and related documents shall be used by the director to

determine certification eligibility and for negotiation of the performance contract required pursuant to the provisions of R 299.4802.

(5) The department shall, within 2 months after a complete certification application has been submitted, determine the eligibility of the applicant. The applicant shall be notified, in writing, of the department's determination. A health department shall not be certified until the performance contract is signed by the director and the eligible health department. However, health departments that have received certification the year before shall continue to be certified unless otherwise notified pursuant to the provisions of R 299.4202.

(6) Health department certification shall be reviewed each year by the department. Updated information that is relative to certification shall be provided by the health officer, as appropriate, or upon request of the department.

(7) After a determination has been made on the eligibility of a health department for certification, the department and the appropriate local governing entity shall enter into a 1-year contract that establishes the terms under which the health department will be reimbursed for personnel costs. The contract shall include the negotiated grant amount based on the rates for the area and work hours needed to carry out the program specified in R 299.4203 to R 299.4206.

R 299.4203 Certified health department; performance requirements; solid waste disposal areas.

Rule 203. (1) Except as provided in subrules (2) and (3) of this rule, a certified health department shall do all of the following:

(a) At the request of an applicant, provide an advisory analysis of each proposed disposal area within 15 working days of the request. An advisory analysis shall include a site inspection and written report to the applicant regarding the preliminary feasibility of the disposal area as described in R 299.4901. A copy of the advisory analysis shall be provided to the department. Nothing in the advisory analysis shall be considered to constitute an approval or denial for a construction permit or operating license.

(b) Receive all construction permit and operating license application forms and documents.

(c) Immediately forward each application package to the department for review.

(d) Upon the receipt of a construction permit application, obtain information for the proper notification of all parties that is required by section 11510 of the act.

(e) Assist the department in arranging newspaper publication of the required public notice in the vicinity of the proposed undertaking. The certified health department's obligation for such costs shall not be more than ½ of the construction permit application fee that is remitted by the applicant under the act.

(f) Provide a location where the complete construction permit application may be reviewed by the public.

(g) Assist the department in conducting all public hearings relative to an application for a construction permit.

(h) Conduct a site inspection upon receipt of an operating license application to determine compliance with the act and these rules.

(i) Submit a written report of the site inspection and a recommendation for or against license issuance to the department within 15 working days of receipt of the operating license application package. The applicant shall be sent a copy of the recommendation.

(j) Provide the department and the licensee with written recommendations regarding appropriate action on existing facilities, which may include closure, remedial measures, and a compliance schedule.

(k) File an instrument that is prepared by the applicant in the office of the register of deeds of the county in which a sanitary landfill is located that imposes a restrictive covenant upon the land involved

at the time of licensing as required by section 11518 of the act and provide the department with a copy of the recorded instrument or a receipt that verifies the proper filing.

(l) Provide a minimum of quarterly, routine, written inspection reports of all disposal areas, unless a more frequent inspection schedule is established by the department. A written notice of deficiencies, together with requirements for their correction, shall be provided to the licensee. Copies of all inspection reports and correspondence shall be provided to the department.

(m) Follow-up inspections of disposal areas shall be conducted when necessary.

(n) Maintain a complete file of transactions relative to the inspection report activities for each disposal area.

(o) Investigate and document all complaints on solid waste disposal areas and dumps. Reports of actions taken shall be provided to the department.

(p) Notify the department of any unresolved problems or violations that continue beyond 90 days of the health department's investigations of complaints.

(q) Be willing and prepared to present documentation and testimony at show cause hearings, formal administrative hearings, or at any other informal or formal legal proceedings.

(r) In cooperation with the department, issue cease and desist orders for unlicensed waste disposal areas or dumps. The department shall be provided with copies of any cease and desist orders that may be issued.

(s) Program enforcement and review responsibilities shall be uniformly applied to the public and private sectors.

(t) Assist in developing and encouraging environmentally sound methods of disposal, including resource recovery and conservation.

(2) A health department that employs a qualified geologist and engineer may apply to the department to review all construction permits and operating license applications for completeness and content. A health department that is certified to conduct a review shall do all of the following:

(a) Review each construction permit and operating license application for completeness and notify the applicant, within 15 working days of receipt of the application, as to the completeness of the application.

(b) Provide the department with a copy of all completeness reviews.

(c) Review complete construction permit applications for compliance with the act and these rules and forward a review report and recommendation for or against issuance of a permit to the department within 45 calendar days of receipt of the complete application package.

(d) Review complete operating license applications, including bonds and construction certification documents, for compliance with the act and these rules and forward a review report and recommendation for or against issuance of a license to the department within 15 working days of receipt of the complete application package.

(e) Conduct inspections to verify that construction of a disposal area is proceeding in accordance with approved plans.

(3) A health department may apply to the department for authorization to conduct other activities that are not specified in subrules (1) and (2) of this rule.

(4) A certified health department is not responsible for inspecting or reviewing applications for disposal areas that are owned or operated by the county within the certified health department's jurisdiction. The department is responsible for conducting the inspections.

(5) A certified health department shall not authorize changes to engineering plans that are approved by the director.

### PART 3. TYPE III LANDFILLS

R 299.4302 Existing industrial waste landfills.

Rule 302. (1) The owner and operator of an industrial waste landfill that has been issued a permit or license under the act on the effective date of these rules may construct, operate, and close the disposal area in accordance with existing permits, licenses, and approved plans if the owner and operator do all of the following:

- (a) Comply with the performance standards specified in R 299.4306.
- (b) Comply with other portions of the act and these rules applicable to existing disposal areas.
- (c) Not later than October 1, 1995, revise existing hydrogeologic monitoring plans, as necessary, to comply with R 299.4905 and submit the plans to the director with the first operating license application that is applied for after this date.
- (d) For any unit which is a possible source of groundwater contamination or which is an unmonitorable unit, submit a response action plan under R 299.4319.
- (e) Comply with the waste restrictions specified in subrule (2) of this rule.

(2) To be disposed of in an industrial waste landfill that is an existing disposal area, all wastes, except for construction and demolition waste, trees, and stumps, shall have been subjected to the leaching test protocol specified in R 299.4311 and have been approved for disposal at the specific landfill based on a determination by the solid waste control agency that the disposal has a minimal potential for groundwater contamination. Waste that is approved for disposal in an industrial solid waste landfill which is an existing disposal area shall be retested annually, or on a more frequent schedule as specified by the solid waste control agency, to confirm that disposal of the waste presents a minimal potential for groundwater contamination. The owner or operator of an existing industrial waste landfill may petition the director to waive the tests specified in R 299.4311 for new waste or waste previously approved. The director shall approve such a petition if either of the following conditions is met:

(a) The waste is listed as a low-hazard industrial waste or meets the criteria for a low-hazard industrial waste specified in section 11504(7) and the design of the landfill meets the criteria for a low-hazard industrial waste landfill specified in R 299.4307(3)(a) or (4).

(b) The petition demonstrates that the location or design of the landfill minimize the potential for groundwater contamination, and that the concentration of constituents in the waste is not a significant factor.

(3) The owners and operators of existing industrial waste landfill units which are not licensed under the act as type III landfills on the effective date of these rules, but which receive waste under other authority, shall notify the director of the nature and extent of the disposal area not less than 6 months after the effective date of these rules. At any time after such date, the owner or operator of an industrial waste landfill specified in this subrule may be required, by the director, to submit an operating license application. An owner and operator that are required to submit an operating license application under this rule shall be allowed not less than 6 months to submit the application. An operating license application shall include all of the following information:

- (a) A waste characterization that is in compliance with R 299.4118a.
- (b) A hydrogeologic report and monitoring program that is sufficient to comply with R 299.4904 and R 299.4905.
- (c) Engineering plans that are sufficient to comply with both of the following:
  - (i) The final cover requirements of R 299.4304 for all units.
  - (ii) The design requirements of R 299.4307 for all new units or lateral extensions of existing units.
- (d) Information that is required by R 299.4922.

(4) Engineering plans, hydrogeologic evaluations, and the surface water and groundwater monitoring program for industrial waste landfills that are not licensed under the act shall be reviewed by the director to assure compliance with these rules. The owners and operators of landfills that the director determines

are not in compliance with these rules may be issued a timetable or schedule of remedial measures that will lead to compliance within a reasonable time period, which shall not be more than 2 years from the date of the determination.

R 299.4307 Type III landfills; design standards; natural soil sites; lined sites.

Rule 307. (1) The design standards of this rule apply to both of the following:

- (a) New disposal areas for industrial waste.
- (b) New units and lateral extensions of existing units at a construction and demolition waste landfill.

(2) Except as required by subrules (5) and (6) of this rule, a type III landfill shall be located and designed with either of the following:

- (a) A liner that is in compliance with subrule (4) of this rule.
- (b) A natural soil barrier that is in compliance with subrule (3)(a) of this rule.
- (c) For low-hazard industrial waste, a means of otherwise preventing groundwater contamination, as provided by subrule 3(b) of this rule.

(3) The following provisions apply with respect to natural soil sites for type III landfills:

(a) A natural soil barrier shall have a maximum demonstrated hydraulic conductivity of  $1.0 \times 10^{-7}$  cm/sec and shall meet the criteria specified in R 299.4912. The director may approve a combination of natural soils with a maximum demonstrated hydraulic conductivity of  $1.0 \times 10^{-6}$  cm/sec having a thickness that provides equivalent protection to 10 feet of  $1.0 \times 10^{-7}$  cm/sec soil. Type III natural clay sites where the clay does not extend to the surface shall include side cutoff walls or other barriers and controls to impede the lateral infiltration of water into the fill and to impede lateral flow of leachate out of the fill interior.

(b) Applications for low-hazard industrial waste landfills at natural soil sites that do not meet the permeability or soil classifications of subdivision (a) of this subrule shall be considered based on the hydrogeologic characteristics of the site, including the permeability and thickness of the soils, the ability of the soils to attenuate leachate, groundwater level, and other factors particular to a specific site. In addition, all of the following requirements apply:

(i) The applicant shall characterize the waste in accordance with R 299.4118a criteria established by the director and shall retest the waste annually, or on a more frequent schedule, as specified by the solid waste control agency if the character of the waste is variable.

(ii) In the application, an applicant shall explain the rationale for the design using calculations, if applicable, and professional analyses to show how the proposed design is expected to be in compliance with the performance standards specified in R 299.4306.

(iii) Two thousand feet of horizontal isolation shall exist in the direction of groundwater flow measured from the solid waste boundary to public water supply wells and domestic wells in existence at the time of an advisory analysis.

(iv) One thousand feet of horizontal isolation shall exist in directions lateral to or upgradient of the direction of groundwater flow measured from the solid waste boundary to public water supply wells and off-site domestic wells in existence at the time of advisory analysis.

(v) Based on the hydrogeological evaluation, the director may approve a decrease in the isolation distances specified in paragraphs (ii) to (iv) of this subdivision.

(vi) An applicant shall demonstrate, by technical calculations, considering the design details and operational procedures specific to the site, how run-off from those portions of the landfill that contain solid waste will be managed to comply with R 299.4306.

(4) All of the following may be used as a liner system for type III landfills:

(a) A compacted soil liner which has a minimum thickness of 3 feet and which is in compliance with the specifications of R 299.4913.

- (b) A composite liner.
- (c) A flexible membrane liner which is in compliance with the specifications of R 299.4915 and which is not less than 30 mils thick, if the liner is installed on stable soil not less than 4 feet thick and which has a hydraulic conductivity that is less than  $1.0 \times 10^{-5}$  cm/sec.
- (d) Other liner materials, modified soils, or technologically advanced liner systems, based on data supplied by the applicant regarding the system's durability, permeability, resistance to sunlight and chemicals, and performance in similar applications. The director shall determine the acceptability of the data and proposed design.
- (5) New disposal areas for industrial solid waste that do not meet the criteria for low-hazard industrial solid waste contained in section 11504(7) shall, at a minimum, contain a composite liner.
- (6) A new unit or a lateral extension of an existing unit at a type III landfill that is an unmonitorable unit shall not be licensed unless the unit contains a leak detection system that is monitored in accordance with the approved hydrogeological monitoring plan. The owner or operator of an unmonitorable unit who installs a leak detection system to monitor the unit shall include in the hydrogeological monitoring plan provisions for monitoring the leak detection system in accordance with R 299.4437.

R 299.4318 Type III landfill operating requirements; groundwater monitoring.

Rule 318. (1) The requirements of this rule apply to all type III landfill units, except as provided in subrule (2) of this rule.

(2) The director shall reduce or waive certain groundwater monitoring requirements of this rule if the owner or operator can demonstrate compliance with either of the following provisions:

(a) That there is no potential for migration of hazardous constituents from that type III unit to the uppermost aquifer during the active life of the unit and the 30-year post-closure care period. The demonstration shall be certified by a qualified groundwater scientist and approved by the director and shall be based upon both of the following:

(i) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes that affect contaminant fate and transport.

(ii) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.

(b) That a discharge to the uppermost aquifer will occur, but that such discharge is authorized and monitored under a permit issued pursuant to the provisions of part 31 of the act.

(3) Owners and operators of type III landfill units shall comply with the groundwater monitoring requirements of this rule before waste can be placed in the unit.

(4) Once established at a type III landfill unit, groundwater monitoring shall be conducted throughout the active life and 30-year post-closure care period of that unit.

(5) Groundwater monitoring is required at type III landfill units at all groundwater monitoring wells defined pursuant to the provisions of R 299.4906. At a minimum, a groundwater monitoring program for a type III landfill shall include monitoring for the following constituents:

(a) The primary inorganic indicators that are listed in the provisions of R 299.4450 or alternate indicators listed in the provisions of R 299.4451 quarterly during the active life of the facility and semiannually during the 30-year post-closure period, except as provided for in subrule (7) of this rule.

(b) The constituents that are listed in the provisions of R 299.4452, R 299.4453, and R 299.4454, annually during the active life of the facility and the 30-year post-closure period, except as provided in subrule (6) of this rule.

(c) Other constituents required by a construction permit or approved hydrogeologic monitoring plan.

(6) The director shall delete any of the monitoring parameters specified in subrule (5) of this rule for a type III landfill unit if it can be shown that the removed constituents are not reasonably expected to be in

or derived from the waste that is contained in the unit in significant concentrations. An owner or operator may demonstrate that a constituent is not expected to be in or derived from the waste in significant concentrations if 1 of the following conditions exists based on all available historical waste characterizations pursuant to the provisions of R 299.4118a or the historical analysis of leachate from not less than 2 samplings:

(a) The constituent and any breakdown products are not and have not been detected at practical quantitation limits approved by the director.

(b) The concentration of the constituent is below the background concentration of the constituent in groundwater.

(c) The concentration of the constituent is below the part 201 generic residential criteria contained in R 299.44 and R 299.46, and other constituents will serve as better indicators of leakage from the landfill unit.

(7) The owner and operator of a type III landfill may apply to the director for an appropriate alternative frequency for repeated sampling and analysis for constituents that are specified in subrule (5) of this rule during the active life, including closure, and the 30 year post-closure care period. The alternative frequency during the active life, including closure, shall be not less than semiannually. The alternative frequency shall be based on consideration of all of the following factors:

(a) Lithology of the aquifer and unsaturated zone.

(b) Hydraulic conductivity of the aquifer and unsaturated zone.

(c) Groundwater flow rates.

(d) Minimum distance of travel between waste and the closest downgradient monitoring well screen.

(e) The presence of an alternate monitoring system, such as a secondary collection system.

(8) A minimum of 4 independent samples from each background and downgradient well shall be collected and analyzed during the first sampling event. An alternate background collection schedule may be approved by the department. At least 1 sample from each background and downgradient well shall be collected and analyzed during subsequent sampling events.

(9) If the owner or operator determine, pursuant to a statistical test specified in R 299.4908, that there is a statistically significant increase over background for 1 or more of the constituents or indicators listed in subrule (5) of this rule at any monitoring well at or within the solid waste boundary, or at other monitoring locations required by the director, then the owner and operator shall do all of the following:

(a) Within 14 days of the determination, place a notice in the facility's files that indicates which constituents have shown statistically significant increases from background levels and notify the director.

(b) Within 30 days of the determination, the owner and operator may demonstrate to the director that a source other than a landfill unit or other source at the facility caused the contamination, that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality, or that the increase is authorized by a permit that is issued pursuant to the provisions of part 31 of the act. A report that documents this demonstration shall be certified by a qualified groundwater scientist, be submitted to the director within 30 days of the determination and be placed in the facility's files. If the director notifies the owner or operator that a successful demonstration has not been made, then within 15 days of the notification by the director the owner and operator shall submit a response action plan to the director as required in R 299.4319. If a successful demonstration is made and documented, the owner or operator shall do the following:

(i) Continue detection monitoring as specified in this rule.

(ii) Determine whether the presence of hazardous constituents in groundwater renders any new units or lateral extensions within the solid waste boundary unmonitorable. If so, the owner and operator shall develop a schedule for submitting revised engineering plans for such lateral extensions or new units that include a leak detection system. The owner or operator of an unmonitorable unit who installs a leak

detection system to monitor the unit shall include in the hydrogeological monitoring plan provisions for monitoring the leak detection system in accordance with R 299.4437.

R 299.4420 Type II landfill design standards; municipal solid waste incinerator ash landfills.

Rule 420. (1) A new unit and a lateral extension of an existing unit at a type II landfill unit that accepts municipal solid waste incinerator ash shall be designed and constructed in accordance with section 11542 of the act, except that a municipal incinerator ash landfill that is an unmonitorable unit shall have a secondary leachate collection system and a flexible membrane liner as part of the secondary liner system.

(2) An existing unit, new unit, and lateral extension of an existing unit at a landfill that accepts municipal solid waste incinerator ash shall be closed with a final cover that is in compliance with section 11542 of the act. Grades of the final cover shall be in compliance with R 299.4425.

(3) An owner and operator of a new unit and a lateral extension of an existing unit at a municipal solid waste incinerator ash landfill shall ensure that all of the following requirements are complied with:

(a) Leachate collection systems that are required by section 11542 of the act are in compliance with R 299.4423.

(b) Secondary leachate collection or leak detection systems that are required by section 11542 of the act are in compliance with R 299.4424.

(c) Compacted clay liners that are required by section 11542 of the act are in compliance with R 299.4913.

(d) Flexible membrane liners that are required by section 11542 of the act are in compliance with R 299.4915.

(4) The director shall approve a process to substantially diminish the toxicity of municipal solid waste incinerator ash or the leachability of the ash, instead of disposal that is required under section 11542(1) of the act, if the applicant for such a process demonstrates all of the following:

(a) That, during storage or processing, ash will be contained within a tank, container, or waste pile that is in compliance with R 299.4130.

(b) The process does not in any way dilute ash constituents as a substitute for adequate treatment.

(c) The process does not create a nuisance.

(d) The process will not produce fugitive dust or other emissions in violation of part 55 of the act.

(e) The waste is tested after processing in accordance with the testing protocol of subrule (5) of this rule.

(5) Municipal solid waste incinerator ash that is processed under section 11542 of the act shall be tested in accordance with the protocol specified in R 299.4118a on a frequency that is adequate to ensure that the criteria specified in subrules (6) and (7) of this rule are met. The applicant shall propose a leaching procedure to simulate native conditions in addition to the leaching procedure specified in R 299.4118a.

(6) The director shall approve processed municipal solid waste incinerator ash for recycling or reuse if the processed ash is in compliance with the criteria for inert material that are specified in section 11504(2).

(7) The director shall approve processed municipal solid waste incinerator ash for disposal in a type II landfill if the processed ash is in compliance with both of the following provisions:

(a) The ash does not leach constituents in concentrations greater than the toxicity characteristic specified in R 299.9217 based on leaching tests under both acidic and native conditions.

(b) Does not cause any emission that results in a violation of part 55 of the act or otherwise causes unacceptable risks to human health or the environment.

R 299.4428 Type II landfill operation; recyclable materials.

Rule 428. (1) The operator of a type II landfill may separate recyclable materials from general refuse without a construction permit for this activity from the director. Procedures for the separation of recyclable materials shall be consistent with the requirements for processing plants that are specified in R 299.4509.

(2) The salvaging of recyclable material, if allowed by the licensee, shall be organized so that it does not interfere with the prompt sanitary disposal of solid waste or create health hazards or unsightliness. Scavenging shall not be permitted.

(3) White goods and other recyclable metals may be stored on-site for recycling in an area that is designated in the operating license, if both of the following conditions are met:

- (a) A nuisance or health hazard does not develop.
- (b) The materials are stored in 1 of the following areas:
  - (i) An area that is in compliance with the standards for waste piles specified in R 299.4130.
  - (ii) A lined portion of the landfill.
  - (iii) A roll-off box or other container that prevents the discharge of liquids.

(4) Used lead acid batteries may be stored on-site for recycling if they are stored in a vault or on a pad that is in compliance with the provisions of R 299.4130(5).

R 299.4430 Type II landfill operation; prohibited wastes; procedures for excluding the receipt of prohibited waste.

Rule 430. (1) The operator of a type II landfill shall ensure that the unloading of solid waste is continuously supervised by facility personnel upon receipt.

(2) The following wastes shall not be disposed of in a type II landfill:

- (a) Regulated hazardous waste.
- (b) PCB's or PCB items, as defined in 40 C.F.R. §761.3.
- (c) Bulk or noncontainerized liquid waste or waste that contains free liquids, unless the waste is household waste other than septic waste or the waste is leachate or gas condensate that is approved for recirculation under R 299.4432.

(d) Containers that hold liquid waste, unless the container is household waste or is a small container similar in size to that normally found in household waste.

- (e) Sewage.
- (f) Materials that would adversely affect a liner or leachate collection and removal system.
- (g) Asbestos waste, unless the disposal area complies with 40 C.F.R. §61.154.
- (h) Empty drums, unless crushed to eliminate voids.
- (i) Used lead acid batteries.
- (j) Yard clippings, as specified in the act.

(3) The owner and operator of a landfill shall implement a program at the facility for detecting and preventing the disposal of wastes that are prohibited by subrule (2) of this rule. The program shall include all of the following:

- (a) Random inspections of incoming loads.
- (b) Inspections of suspicious loads.
- (c) Records of any inspections.
- (d) Training of facility personnel to recognize prohibited waste.
- (e) Procedures for notifying all of the following persons if regulated hazardous waste or PCB waste is discovered at the facility:
  - (i) The generator of the waste.
  - (ii) The transporter of the waste.

- (iii) The director or his or her designee.
- (iv) For PCB waste, the EPA regional administrator.
- (v) The certified health department, if any.
- (4) The definition of PCB waste and PCB items contained in 40 C.F.R. §761.3 is adopted by reference in R 299.4140. The provisions of 40 C.F.R. §61.154 pertaining to asbestos waste are adopted by reference in R 299.4131.

R 299.4440 Type II landfill groundwater monitoring; detection monitoring program.

Rule 440. (1) Detection monitoring is required at type II landfill units at all groundwater monitoring wells defined in R 299.4906. At a minimum, a detection-monitoring program for a type II landfill shall include monitoring for all of the following constituents:

(a) The primary indicators listed in R 299.4450, conductivity and pH, at least quarterly during the active life and semiannually during the postclosure period, except as provided for in subrules (5) and (6) of this rule.

(b) The following constituents listed at least semiannually during the active life of the facility and the postclosure period, except as provided in subrules (2) to (6) of this rule:

- (i) Heavy metals that are listed in R 299.4452.
- (ii) Primary volatile organic constituents listed in R 299.4453.
- (iii) Secondary organic constituents listed in R 299.4454.

(2) The director shall waive the sampling and analysis of some or all of the heavy metals specified in R 299.4452 if other inorganic indicator parameters listed in R 299.4450 or R 299.4451 provide a reliable indication of inorganic releases from the unit to groundwater. In determining whether to approve a waiver, the director shall consider all of the following factors:

(a) The types, quantities, and concentrations of constituents in the wastes that are managed at the type II landfill unit.

(b) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the type II landfill unit.

(c) The detectability of indicator parameters, waste constituents, and reaction products in the groundwater.

(d) The concentration and variance of monitoring parameters in the groundwater background.

(3) The owner and operator of a type II landfill unit that contains a secondary collection system shall be deemed to have met the criteria of subrule (2) of this rule and may conduct sampling and analysis for primary indicators listed in R 299.4450 in place of the heavy metals listed in R 299.4452 if all of the following conditions are met:

(a) Leachate monitoring shows that the concentration of all of the indicators in leachate is not less than 10 times the concentration in groundwater.

(b) Secondary collection system monitoring shows all of the following:

- (i) That the allowable flow rate has not been exceeded.
- (ii) That the concentration of 2 or more indicators in the system is not more than the following

threshold values for 2 consecutive sampling events:

- (A) For chlorides, 250 mg/l.
- (B) For iron, 0.3 mg/l.
- (C) For sulfates, 250 mg/l.
- (D) For total inorganic nitrogen, 10 mg/l.
- (E) For total dissolved solids, 500 mg/l.
- (F) For other constituents, a value approved by the director.

(iii) That volatile organics listed in R 299.4453 have not been detected in the secondary collection system.

(iv) That the concentration of metals listed in R 299.4452 has not exceeded the part 201 generic residential cleanup criteria contained in R 299.44 and R 299.46.

(c) The unit is a monitorable unit.

(d) The concentration of the indicators in groundwater is normally distributed.

(4) The director shall delete any of the monitoring parameters listed in R 299.4452 to R 299.4454 for a type II landfill unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste that is contained in the unit. An owner or operator may demonstrate that a constituent is not expected to be in or derived from the waste if the constituent and any breakdown products are not detectable in leachate at practical quantitation limits approved by the director based on historic analysis of leachate from not less than 2 sampling events.

(5) The owner and operator of a type II landfill may apply to the director for an appropriate alternative frequency for repeated sampling and analysis for pH, conductivity, and the constituents specified in R 299.4450 to R 299.4454, during the active life, including closure, and the postclosure care period. The alternative frequency during the active life, including closure, shall be at least semiannually for pH, conductivity, and the constituents specified in R 299.4450 and R 299.4451, and at least annually for the constituents specified in R 299.4452 to R 299.4454. The alternative frequency shall be based on consideration of all of the following factors:

(a) The lithology of the aquifer and unsaturated zone.

(b) The hydraulic conductivity of the aquifer and unsaturated zone.

(c) The groundwater flow rates.

(d) The minimum distance of travel between waste and the closest downgradient monitoring well screen.

(e) The presence of an alternative monitoring system, such as a secondary collection system.

(f) The resource value of the aquifer.

(6) The owner or operator of a type II landfill unit shall be deemed to meet the criteria of subrule (5) of this rule and may reduce sampling of the following constituents to the following frequency during the active life and 30-year postclosure period if the following conditions are met as applicable:

(a) The heavy metals listed in R 299.4452 and secondary organic constituents listed in R 299.4454 to annually if the active portions of the unit contain a composite liner underlain by a natural soil barrier in compliance with the leakage control criteria of R 299.4422(2).

(b) For monitorable units which contain a secondary collection system in the active portion, but which are not underlain by a natural soil barrier meeting the criteria of R 299.4422(2), all constituents listed in R 299.4450 to R 299.4454 to the following frequency:

(i) To annually, if the average daily flow rate in the secondary collection system of all landfill cells in the active portion does not exceed the following flow rates during the previous 6 months:

(A) A value of 5 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(B) A value of 50 gallons per acre per day for landfill cells that have not less than 2 feet of compacted clay in the primary liner.

(ii) To semiannually, if the average daily flow rate in the secondary collection system of any landfill cell in the active portion has exceeded the flow rates specified in paragraph (i) of this subdivision in the previous 6 months, but has not exceeded the following action flow rates for the cell during the previous 6 months:

(A) A value of 25 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(B) A value of 200 gallons per acre per day for landfill cells that have not less than at least 2 feet of compacted clay in the primary liner.

(c) For monitorable units that contain a secondary collection system in the active portion underlain by a natural soil barrier meeting the criteria of R 299.4422(2), to annually if the average daily flow rate in the secondary collection system of any landfill cell in the active portion has not exceeded the following flow rates during the previous 6 months:

(i) A value of 25 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(ii) A value of 200 gallons per acre per day for landfill cells that have not less than 2 feet of compacted clay in the primary liner.

(7) If insufficient background data exists to perform statistical analysis, a minimum of 4 independent samples shall be collected and analyzed during the first sampling event. At least 1 sample from each detection monitoring well shall be collected and analyzed during subsequent sampling events. An alternate background collection schedule may be approved by the director. An interim statistical method may be utilized during the period in which background data is collected.

(8) If the owner and operator determine, pursuant to a statistical test specified in R 299.4908, that there is a statistically significant increase over background for 1 or more of the constituents at any monitoring well at the solid waste boundary or at other monitoring locations required by the director, then the owner and operator shall do both of the following:

(a) Within 14 days of the determination, place a notice in the operating record that indicates which constituents have shown statistically significant increases from background levels and notify the director that the notice is placed in the operating record.

(b) Prepare and submit to the director an assessment monitoring plan that is in compliance with R 299.4441 and a response action plan that is in compliance with R 299.4442 within 45 days of the determination, or pursuant to an alternate schedule approved by the director, except as provided in subrule (9) of this rule.

(9) The owner and operator may demonstrate to the director that a source other than a landfill unit caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation or from natural variation in groundwater quality. A report that documents the demonstration shall be certified by a qualified groundwater scientist, be submitted to the director within 30 days of the determination specified in subrule (8) of this rule, and be placed in the operating record. If the director determines that the alternate source demonstration prepared pursuant to this subrule has not been successfully provided, the deficiencies shall be specified to the petitioner in writing and the petitioner granted 15 days to address those deficiencies identified by the director. If a successful demonstration is made and documented, then the owner or operator shall do the following:

(a) Continue detection monitoring as specified in this rule.

(b) Determine whether the presence of hazardous constituents in groundwater renders any new units or lateral extensions within the solid waste boundary unmonitorable. If so, the owner and operator shall develop a schedule for submitting revised engineering plans for such lateral extensions or new units that include a leak detection system.

(10) If the director notifies the owner and operator that a successful demonstration has not been made, then, within 15 days of notification by the director, the owner and operator shall prepare an assessment monitoring program as required in R 299.4441 and submit a response action plan to the director as required in R 299.4442.

## PART 7. SOLID WASTE MANAGEMENT PLANS

R 299.4701 Compliance with act and rules.

Rule 701. The solid waste management plans required by section 11533 of the act shall comply with the act and all rules promulgated pursuant to the act. Regional and multicounty planning is encouraged. The director shall consider proposals for regional and multicounty plans if the proposals are in conformance with the act.

R 299.4702 County solid waste management plan; designation of agency responsible for preparation of plan.

Rule 702. (1) The director shall, within 2 weeks after the effective date of these rules, provide a form to each county on which the county shall indicate the county's intent to prepare or upgrade an existing solid waste management plan and designate an agency responsible for the preparation of the plan. As provided in section 11533(4) of the act, the municipalities within the county may file a notice of intent and designate the agency responsible for the preparation of the plan if the county fails to do so. In either case, the designated planning agency shall have the necessary expertise and the legal, financial, and institutional capabilities to prepare the plan. Designated planning agencies may include, but are not limited to, all of the following:

- (a) Regional, county, or municipal planning commissions.
- (b) Departments of public works.
- (c) Road commissions.
- (d) Drain commissioners.
- (e) County executives.
- (f) Solid waste disposal authorities.

(2) If a county files a notice of intent and the designated planning agency does not follow the work program or comply with the requirements of the act, the director shall review the reasons for nonperformance and may request that the municipalities within the county prepare a solid waste management plan.

(3) If the municipalities within a county file a notice of intent and the designated planning agency does not follow the work program or comply with the requirements of the act, the director shall review the reasons for nonperformance and may request that a regional solid waste management planning agency prepare a solid waste management plan.

(4) If a regional solid waste management planning agency files a notice of intent and does not follow the work program or comply with the requirements of the act, the director shall review the reasons for nonperformance and may prepare a solid waste management plan which shall be final.

(5) One year after the effective date of these rules, the director may, at his or her discretion, assume responsibility for the preparation of a solid waste management plan if the governmental unit that filed a notice of intent does not comply with the requirements of the act and these rules.

R 299.4703 Planning committees; formation; membership; responsibilities.

Rule 703. (1) The planning committee shall be formed pursuant to section 11534 of the act.

(2) Planning committee membership shall comply with all of the following requirements:

(a) The planning committee shall be formed in accordance with section 11534(2) of the act considering the definitions in part 1 of these rules, R 299.4103(e), R 299.4104(c), and R 299.4107(h). The 4 representatives appointed to the planning committee as representatives of the solid waste management industry shall, when possible, reside or conduct business within the county.

(b) The 2 representatives appointed to the planning committee from environmental interest groups shall be from organizations that are active within the county.

(c) The 3 general public representatives appointed to the planning committee shall reside within the county.

(d) The other 4 members of the planning committee shall be selected as specified in the act.

(e) Counties preparing a regional or multicounty solid waste management plan may jointly appoint a single planning committee.

(3) The planning committee shall do both of the following:

(a) Assist in the preparation of the plan by providing advice and consultation, which includes all of the following:

(i) Reviewing the designated planning agency's work program.

(ii) Identifying local policies and priorities.

(iii) Insuring coordination and public participation.

(iv) Advising counties or municipalities.

(v) Reviewing work elements.

(vi) Approving the plan.

(b) Assure that the designated planning agency is fulfilling all the requirements of the act and these rules as to both the content of the plan and the public participation. The committee shall notify the planning agency of any deficiencies. If the deficiencies are not worked out to the committee's satisfaction, then it shall inform the director and the governmental unit filing the notice of intent. The director or the governmental unit filing the notice of intent shall resolve any deficiencies.

#### R 299.4706 Public participation programs.

Rule 706. (1) The designated planning agency shall conduct a public participation program which shall encourage the participation and involvement of the public and municipalities in the development and implementation of the solid waste management plan.

(2) The designated planning agency shall maintain a mailing list of all municipalities, affected public agencies, the private sector, and all interested persons who request information regarding the plan.

(3) Time shall be reserved on the agenda at all public meetings for questions and comments from the general public.

(4) The public meetings shall be scheduled at a time convenient to the general public.

(5) The designated planning agency shall hold public meetings with the planning committee not less than quarterly each year during plan preparation.

(6) If the director prepares the plan, the extent of public participation shall be conducted pursuant to section 11538(e) of the act.

(7) The designated planning agency shall maintain at least 1 central repository where all documents related to the plan may be inspected by the public.

(8) Upon request, the designated planning agency shall submit specific tasks as outlined in the work program to all of the following for comment and advice:

(a) The planning committee.

(b) Municipalities.

(c) Appropriate organizations.

(d) The regional solid waste management planning agency.

(e) Adjacent counties.

(f) Certified health departments.

#### R 299.4707 Plan adoption; update procedures.

Rule 707. (1) The designated planning agency shall follow the review procedures as established in section 11535(a) to (f) of the act.

(2) The designated planning agency shall allow a period of not less than 3 months for the review and comments on the proposed plan. The exact time limit shall be specified in the work program. After the prescribed review and comment period, all of the comments from the reviewing agencies shall be submitted with the plan to the governmental unit that filed the notice of intent.

(3) The designated planning agency shall conduct a public hearing on the proposed county solid waste management plan before formal adoption by the county, the municipalities, or the state, as required in section 11535(f) of the act. Before the public hearing, the planning committee shall review the plan and shall authorize its release for public hearing. After the public hearing, the designated planning agency shall prepare a transcript, a recording, or another complete record of the public hearing proceedings. The record may be copied at cost or may be inspected by the general public upon request.

(4) The designated planning agency shall revise the plan, if necessary, in response to public hearing comments and shall then submit the plan to the planning committee.

(5) After approval by the majority of the planning committee and within 30 days of closing of the public comment period, the plan shall be submitted for formal action to either the county board of commissioners or to the municipalities who voted in favor of preparing the plan.

#### R 299.4708 Formal action.

Rule 708. (1) If the county files a notice of intent under section 11533(3) of the act to prepare a solid waste management plan, then formal action has been fulfilled when the plan is approved by the planning committee and then approved by the county board of commissioners.

(2) If the municipalities within a county file a notice of intent under section 11533(4) of the act to prepare a solid waste management plan, then formal action has been fulfilled when the plan is approved by the planning committee and then is approved by a majority of those municipalities who voted in favor of filing a notice of intent to prepare a solid waste management plan.

(3) If the plan is disapproved under subrule (1) or (2) of this rule, the plan shall be returned to the planning committee along with the statement of the objections to the plan. The planning committee shall have 30 days to review the objections and return the plan to the county board of commissioners or to the majority of municipalities along with its recommendations. The county board of commissioner or a majority of municipalities who voted in favor of preparing the plan shall approve the plan, either as submitted or with changes and the reasons for the changes, and then shall submit the plan to all municipalities within the county.

(4) Before the plan may be submitted to the director for his or her approval, not less than 67% of the municipalities in the county shall approve the plan.

(5) A plan that is prepared by the regional solid waste management planning agency under section 11533(5) of the act shall be approved as follows:

(a) Within 30 days of closing of the public comment period, the regional solid waste planning agency shall submit the plan, together with any modifications and public comments and responses from the public hearing, to the county board of commissioners for their formal action.

(b) After the county board of commissioners has taken formal action, the plan shall be submitted to the governing bodies of all municipalities within the county for their approval.

(c) Not less than 67% of the municipalities shall approve the plan before submittal to the director for his or her approval.

#### R 299.4709 Director's approval.

Rule 709. (1) After 67% approval, the plan shall be submitted to the director for his or her approval. The director shall have 6 months to approve or disapprove the plan.

(2) If, after the plan has been adopted by the county board of commissioners, the majority of the municipalities who voted in favor of preparing the plan or the regional solid waste management planning agency and 67% of all the municipalities in the county do not approve the plan within the required time limit, the director shall prepare a plan for the county, including the municipalities who did not approve the plan, after reviewing the materials prepared by the planning agency and after providing for a meeting with those municipalities who did not approve the plan. The plan prepared by the director shall be final.

(3) A 5-year update of the plan shall be prepared as required in section 11533(2) of the act.

(4) An amendment of the plan shall follow the same procedures for review and adoption as the original plan and the updates. However, there is no required submittal date for an amendment, and the cost of the required public notice and required public hearings shall be borne by the person seeking the amendment.

#### R 299.4710 Enforcement.

Rule 710. (1) There are 2 areas of enforcement that are affected by the county solid waste management plans. The first is the issuance of permits and licenses and second is the validity of local ordinances.

(2) Two years after the approval of rules by the legislature or upon the director's approval of a county plan, whichever occurs first, a permit or license shall not be issued for a new facility unless that facility complies and is consistent with an approved solid waste management plan. If an approved solid waste management plan exists, the director shall review the plan and shall insure that the proposed facility complies and is consistent with the plan before a permit or license is issued. In reviewing the application for a new facility, the director shall consult with the designated planning agency to insure that the proposed facility complies with the approved solid waste management plan. If a proposed facility is not consistent or not in compliance with the approved solid waste management plan, then the applicant shall initiate an amendment to the plan if the applicant wishes to obtain a construction permit or operating license. If 2 years after the effective date of these rules an approved plan does not exist, the director shall not issue a permit or license for a new facility.

(3) As stated in section 11538(8) of the act, local ordinances which are not consistent with approved solid waste management plans are not enforceable.

#### R 299.4711 Plan format and content.

Rule 711. To comply with the requirements of the act and to be eligible for 80% state funding, county solid waste management plans shall be in compliance with the following general format and shall contain the following elements:

(a) An executive summary, which shall include all of the following:

(i) An overview.

(ii) Conclusions.

(iii) Selected alternatives.

(b) An introduction as follows:

(i) The introduction shall establish the goals and objectives for the prevention of adverse effects on the public health and the environment resulting from improper solid waste collection, transportation, processing, or disposal, including the protection of ground and surface water quality, air quality, and land quality.

(ii) The introduction shall also establish the goals and objectives for the maximum utilization of Michigan's solid waste through resource recovery, including source reduction and source separation.

(c) A data base that includes all of the following:

(i) An inventory and description of all existing facilities where solid waste is being transferred, treated, processed, or disposed of, including all of the following:

- (A) Physical location, size, and a delineation of private and public facilities.
- (B) A description of solid waste type, volume, or weight received, and current capacity.
- (C) Deficiencies.

(ii) An evaluation of existing solid waste collection, management, processing, treatment, transportation, and disposal problems by type and volume, including residential and commercial solid waste, industrial sludges, pretreatment residues, municipal sewage sludge, air pollution control residue, and other solid wastes from industrial or municipal sources, but excluding hazardous wastes.

(iii) Demographics of the county, including the following:

- (A) Current and projected population densities and centers for 5- and 10-year periods.
- (B) Identification of current and projected centers of solid waste generation, including industrial wastes for 5- and 10-year periods.

(iv) Current and projected land development patterns and environmental conditions as related to solid waste management systems for 5- and 10-year periods.

(d) Solid waste management system alternatives shall address the problems identified in subdivision (c)(ii) of this rule and shall include both of the following:

(i) Solid waste management components, including all of the following:

- (A) Resource conservation including source reduction.
- (B) Resource recovery including source separation, materials, energy, and markets.
- (C) Volume reduction.
- (D) Sanitary landfill.
- (E) Collection.
- (F) Transportation.
- (G) Ultimate disposal area uses, including recreational potential.
- (H) Institutional arrangements.

(ii) Development of alternative systems which address all the solid waste management components. Each alternative system shall evaluate public health, economic, environmental, siting, and energy impacts. Capital, operational, and maintenance costs shall be developed for each alternative system.

(e) Plan selection shall be based on all of the following:

(i) An evaluation and ranking of proposed alternative systems, including all of the following:

- (A) Technical feasibility for 5- and 10-year periods.
- (B) Economic feasibility for 5- and 10-year periods.
- (C) Access to land for 5- and 10-year periods.

(D) Access to transportation networks to accommodate the development and operation of solid waste transporting, processing, and disposal facilities for 5- and 10-year periods.

(E) Effects on energy for 5- and 10-year periods; production possibilities and impacts of shortages on solid waste management systems.

(F) Environmental impacts over 5- and 10-year periods.

(G) Public acceptability.

(ii) The selected alternative shall meet all of the following requirements:

(A) Include the basis for selection, a summary of evaluation, and ranking.

(B) Include advantages and disadvantages of the selected plan for all of the following factors:

- (1) Public health.
- (2) Economics.
- (3) Environmental effects.
- (4) Energy use.

(5) Siting problems.

(C) Be capable of being developed and operated in compliance with state laws and rules of the department pertaining to the protection of the public health and environment considering the available land in the planning area and the technical feasibility of, and economic costs associated with, the alternative.

(D) Include a timetable for implementing the solid waste management plan.

(E) Be consistent with and utilize population, waste generation, and other planning information prepared under the provisions of section 208 of Public Law 92-500, 33 U.S.C. 1288.

(iii) Site requirements, including the following requirements:

(A) The selected alternative shall identify specific sites for solid waste disposal areas for the 5-year period subsequent to plan approval or update.

(B) If specific sites cannot be identified for the remainder of the 10-year period, the selected alternative shall include specific criteria that guarantee the siting of necessary solid waste disposal areas for the 10-year period subsequent to plan approval.

(C) A site for a solid waste disposal area that is located in one county, but serves another county, shall be identified in both county solid waste management plans.

(f) Management component. Each solid waste management plan prepared pursuant to the act shall contain a management component which identifies management responsibilities and institutional arrangements necessary for the implementation of technical alternatives. At a minimum, this component shall contain all of the following:

(i) An identification of the existing structure of persons, municipalities, counties, and state and federal agencies responsible for solid waste management, including planning, implementation, enforcement, and an assessment of all of the following:

(A) Technical and administrative capabilities.

(B) Financial capabilities.

(C) Legal capabilities.

(ii) An identification of gaps and problem areas in the existing management system which must be addressed to permit implementation of the plan.

(iii) A recommended management system for plan implementation, which shall consist of all of the following elements:

(A) An identification of persons, municipalities, counties, and state and federal agencies assigned responsibilities under the plan, with a precise delineation of planning, implementation, and enforcement responsibilities, including legal, technical, and financial capability for all entities assigned responsibilities.

(B) A process for ensuring the ongoing involvement of and consultation with the regional solid waste management planning agency.

(C) A process for ensuring coordination with other related plans and programs within the planning area, including, but not limited to, land use plans, water quality plans, and air quality plans.

(D) An identification of necessary training and educational programs, including public education.

(E) A strategy for plan implementation, including the acceptance of responsibilities from all entities assigned a role within the management system.

(F) A financial program that identifies funding sources for entities assigned responsibilities under the plan.

(g) Documentation of public participation as follows:

(i) A record of attendance shall be maintained and included in an appendix to the plan.

(ii) Citizen concerns and questions shall be considered and responded to in the plan's appendix.

R 299.4712 Municipalities; filing for a separate planning grant.

Rule 712. A municipality that files for a separate planning grant under section 11547 of the act shall follow the same procedures and rules as a county in the preparation of a solid waste management plan, with the following exceptions:

- (a) A municipality shall utilize, consult with, and receive advice from, the planning committee appointed by the county.
- (b) A municipality shall consult and coordinate activities with the county designated planning agency.
- (c) The county planning committee shall approve or disapprove the work program. If disapproved, the planning committee shall return the work program to the municipality with objections. The municipality shall, within 30 days, resubmit the work program with the necessary revisions.
- (d) A municipality shall submit progress reports to the planning committee not less than quarterly.

### PART 8. GRANTS

R 299.4806 Solid waste management planning grants; funding formula; funding of municipalities joined together by interlocal agreement; funding of work programs; amendments to plans.

Rule 806. (1) One-half of the appropriated funds for county solid waste planning grants in any 1 state fiscal year shall be equally divided among the counties as fixed grants. One-half of the appropriated funds shall be proportionally divided among the counties as population proportioned grants based upon the most recently adopted department of management and budget population totals. Therefore, the total grant funding available for solid waste management planning in each county is determined by the following formula:

$$\frac{1}{2}A \div 83 + \frac{1}{2}A \times \frac{PC}{PT}$$

- where:
- PC = Current county population
  - PT = Total current state population (equal to the total of the 83 county populations).
  - A = Total appropriated funds.

(2) Municipalities that are joined together by interlocal agreement as provided by section 11547(1) of the act shall be funded from the grant funds available to the counties in which they are located in an amount proportional to their population as compared to the total current county population.

(3) Each of the counties affected by inclusion of a municipality in the plan of an adjacent county as provided by section 11536(1) of the act shall have its population adjusted to account for the gained or lost population for the purpose of calculation of the grant.

(4) A grant offer for preparation of a county solid waste management plan shall not be more than 80% of the total cost of the plan which is not covered by federal funds.

(5) A work program that is submitted to fund the initiation and completion of an original solid waste management plan required by the act shall receive funding before work programs for updating previously approved plans.

(6) An amendment to an approved solid waste management plan is not eligible for state grant funding.

(7) A work program that is partially funded may be annually updated to reflect the amount of work accomplished, changes in projected project costs for each work element, and the cost of completion of

the plan, but may not be changed to revise the scope of the project. An updated work program is eligible for continued funding from each annual appropriation until the full 80% state funding has been granted.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

Filed with the Secretary of State on March 11, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205, 308, 2605, and 2617 of 1980 PA 299, MCL 339.205, 339.308, 339.2605, and 339.2617, and Executive Reorganization Order Nos. 1996-2, 2003-1, and 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.23102 and R 339.23403 of the Michigan Administrative Code are amended as follows:

**PART 1. GENERAL PROVISIONS**

R 339.23102. Adoption by reference.

Rule 102. The board adopts the 2014-2015 edition of the uspap, effective January 1, 2014. Copies of the uspap are available at a cost at the time of adoption of these rules of \$75.00 plus \$10.50 for shipping from the Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington DC, 20005. Mail orders are available at the following address: P.O. Box 381, Annapolis Junction, MD 20101-0381, toll-free phone: 800/348-2831 or regular phone: 240/646-7010. The uspap and previous editions may be reviewed at the corporations, securities, and commercial licensing bureau, 2501 Woodlake Circle, Okemos Michigan 48864. The current edition may be purchased from the department of licensing and regulatory affairs by mailing to the bureau at P.O. Box 30018, Lansing, MI 48909, phone: 517/241-9201, at a cost as of the time of adoption of these rules of \$75.00 plus \$10.50 for shipping and handling costs.

**PART 4. STANDARDS OF CONDUCT**

R 339.23403 State licensed real estate appraiser; certified residential real estate appraiser; certified general real estate appraiser; authorized functions.

Rule 403. (1) If a state licensed real estate appraiser is properly qualified to undertake an assignment, a state-licensed real estate appraiser may perform any of the following appraisal services:

- (a) Appraise properties that are not federally related transactions.
- (b) Appraise 1 to 4-family residential properties, unless the transaction value is \$1,000,000.00 or more or the property is deemed to be complex and therefore required to be appraised by a certified residential or certified general real estate appraiser.
- (c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than \$250,000.00.

(d) Assist a certified residential or certified general real estate appraiser in the development of an appraisal of a complex residential property or a nonresidential property that is the subject of a federally related transaction, as appropriate. The state licensed real estate appraiser shall not sign the report; however, the certified residential or certified general real estate appraiser shall acknowledge the specific contributions of the state-licensed real estate appraiser within the appraisal report.

(2) A certified residential real estate appraiser, if properly qualified to undertake an assignment, may perform any of the following appraisal assignments:

(a) Appraise properties that are not federally related transactions.

(b) Appraise 1 to 4-family residential properties without regard to complexity or value.

(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than \$250,000.00.

(d) Assist a certified general real estate appraiser in the development of an appraisal of a nonresidential property that is the subject of a federally related transaction, as appropriate. The certified residential real estate appraiser shall not sign the report. However, the certified general real estate appraiser shall identify the specific contributions of the certified residential real estate appraiser within the appraisal report. (3) The licensee authorized to sign the report shall identify all participating licensees and their contributions to the report.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER RESOURCES DIVISION

INLAND LAKES AND STREAMS

Filed with the Secretary of State on March 11, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by section 30110 of Act 1994 PA 451, MCL 324.30110.)

R 281.811 of the Michigan Administrative Code is amended to read as follows:

R 281.811 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 451 of the Public Acts of 1994, as amended, being S324.101 et seq. of the Michigan Compiled Laws.

(b) "Applicant" means a person applying for a permit under the act.

(c) "Bottomland dredging" means dredging of channels and canals and the removal of any rock, stone, soil, or other material from bottomlands.

(d) "Bottomland filling" means the placement of rock, stone, soil, or other material on bottomlands.

(e) "Placement of structures on bottomlands" does not mean the installation of clear span overhead utility wires if they do not restrict navigation for watercraft that typically ply the waterway and if they provide equal or greater clearance than other permanent overhead restrictions in the immediate area or utility lines installed as an integral part of a bridge superstructure and above the elevation of the low beam or utility lines immediately above the top of a culvert.

(f) "Public trust" means all of the following:

(i) The paramount right of the public to navigate and fish in all inland lakes and streams that are navigable.

(ii) The perpetual duty of the state to preserve and protect the public's right to navigate and fish in all inland lakes and streams that are navigable.

(iii) The paramount concern of the public and the protection of the air, water, and other natural resources of this state against pollution, impairment, and destruction.

(iv) The duty of the state to protect the air, water, and other natural resources of this state against pollution, impairment, or destruction.

(g) "Reasonable sanding of beaches to the existing water's edge" means placing a layer of sand which is free of organic or other pollutant materials and which does not shift the location of the existing ordinary high watermark or shoreline contour.

(2) "Riparian rights," as defined in the act, means all the rights accruing to the owners of riparian property, including the following rights, subject to the public trust:

- (a) Access to the navigable waters.
  - (b) Dockage to boatable waters, known as wharfage.
  - (c) Use of water for general purposes, such as bathing and domestic use.
  - (d) Title to natural accretions.
- (3) Terms defined in the act have the same meanings when used in these rules.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

YOUTH EMPLOYMENT STANDARDS

Filed with the Secretary of State on March 6, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By the authority conferred on the superintendent of public instruction by section 20 of 1978 PA 90, MCL 409.120, and Executive Reorganization Orders Nos. 1996-2, 2002-1, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2004, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 408.6203, R 408.6204, R 408.6206, R 408.6208, R 408.6209, and R 408.6301 of the Michigan Administrative Code are amended as follows:

R 408.6203 Definitions; A to E.

Rule 203. As used in this part:

(a) "Act" means 1978 PA 90, MCL 409.101 et seq.

(b) "Clay construction products" means all of the following:

(i) Brick.

(ii) Hollow structural tile.

(iii) Sewer pipe and kindred products.

(iv) Refractories.

(v) Other clay products, such as any of the following:

(A) Architectural terra cotta.

(B) Glazed structural tile.

(C) Roofing tile.

(D) Stove lining.

(E) Chimney pipes and tops.

(F) Wall coping.

(G) Drain tile.

(c) "Confined space" means an enclosed area which does not have a natural or mechanically induced supply of fresh air, including all of the following:

(A) A bin.

(B) A tank.

(C) A vessel.

(D) A vault.

(E) A well.

(d) "Construction operation" means the work designated in subsector 233 - building, developing, and general contracting, subsector 234 - heavy construction, and subsector 235 - special trade contractors, of

the 1997 North American industry classification system (NAICS) manual, which are adopted by reference. Subsector 233 - building, developing, and general contracting, subsector 234 - heavy construction, and subsector 235 - special trade contractors, of the 1997 NAICS manual are available for inspection at [www.census.gov/eos/www/naics/reference\\_files\\_tools/1997/sec23.htm](http://www.census.gov/eos/www/naics/reference_files_tools/1997/sec23.htm), and are available for inspection at, and for distribution at no charge from, the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

(e) "Crane" means a power-driven machine which is for lifting and lowering a load and moving it horizontally and in which the hoisting mechanism is an integral part of the machine.

(f) "Derrick" means a power-driven apparatus consisting of a mast or equivalent members held at the top by guys and braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

(g) "Department" means the department of education.

(h) "Director" means the director of the department or his or her authorized representative.

(i) "Elevator" means any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. This includes both passenger and freight elevators, but does not include dumbwaiters.

(j) "Employ" means engage, permit, or allow to work.

(k) "Employer" means a person, firm, or corporation which employs a minor and includes the state or a political subdivision of the state, an agency or instrumentality of the state, and an agent of an employer.

(l) "Exempt" means employment or services performed that are not covered by these rules.

(m) "Explosives" or "articles containing explosive components" means any chemical compound, mixture, or device, the primary purpose of which is to function by explosion; that is, substantially instantaneous decomposition with the release of heat and gas. Explosives include, but are not limited to, all of the following:

(i) Ammunition.

(ii) Black powder.

(iii) Blasting caps.

(iv) Blasting agents.

(v) Fulminate of mercury.

(vi) Fireworks.

(vii) Detonating primers.

(viii) Dynamite.

(ix) Lead azide.

(x) Nitroglycerin.

(xi) Picric acid.

(xii) Smokeless powder.

R 408.6204 Definitions; H to O.

Rule 204. As used in this part:

(a) "Hazardous substances" means a contaminant, substance, or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, or flammable or which generates pressure through decomposition, heat, or other means, if the substance or mixture of substances is capable of causing substantial personal injury, impairment, or substantial illness through absorption, inhalation, or personal contact. The signal word to designate the degree of hazard is "DANGER" as prescribed in R 408.11612 of the Michigan Administrative Code.

(b) "Hoist" means a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides.

(c) "Low-lift platform truck" means a self-loading truck equipped with a load platform intended primarily for transporting, but not the tiering of, loaded skid platforms.

(d) "Manlift" means a device intended for the conveyance of persons which consists of platforms or brackets mounted on or attached to an endless belt, cable, chain, or similar method of suspension, which operates in a substantially vertical direction, and which is supported by and driven through pulleys, sheaves, or sprockets at the top or bottom.

(e) "Minor" means a person under 18 years of age, but does not include any of the following:

(i) An individual 16 years of age or older who has completed the requirements for graduation from high school.

(ii) An individual 16 years of age or older who has successfully passed the general educational development test.

(iii) An emancipated individual as defined by section 4 of 1968 PA 293, as amended, MCL 722.4.

(f) "Motorized hand truck" means a truck designed for the transportation of, but not the tiering of, materials that are to be controlled by a walking operator.

(g) "Motor vehicle" means any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation, but does not include any vehicle operated exclusively on rails.

(h) "Occupations in connection with logging" means all work performed in connection with any of the following:

(i) The felling of timber.

(ii) The bucking or converting of timber into any of the following:

(A) Logs.

(B) Poles.

(C) Piles.

(D) Ties.

(E) Bolts.

(F) Pulpwood.

(G) Chemical wood.

(H) Excelsior wood.

(I) Cordwood.

(J) Fence posts.

(K) Similar products.

(iii) The collecting, skidding, yarding, loading, transporting, and unloading of the products specified in paragraph (ii) of this subdivision in connection with logging.

(iv) The constructing, repairing, and maintaining of roads, railroads, flumes, or camps used in connection with logging.

(v) The moving, installing, rigging, and maintenance of machinery or equipment used in logging.

(i) "Occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail, or service establishments" means all work performed in or about such establishments in connection with any of the following:

(i) Work on the killing floor, in curing cellars, and in hide cellars.

(ii) Work involving the recovery of lard and oils.

(iii) Work involving the tankage or rendering of any of the following:

(A) Dead animals.

(B) Animal offal.

(C) Animal fats.

(D) Scrap meats.

- (E) Blood and bones into stock feeds.
- (F) Tallow.
- (G) Inedible greases.
- (H) Fertilizer ingredients.
- (I) Similar products.
- (iv) Work involving the operation or feeding of all power-driven meat-processing machines.
- (v) Work involving any boning operations.
- (vi) Work involving the hand-lifting or hand-carrying of any carcass or half carcass of beef, pork, or horse or any quarter carcass of beef or horse.
- (vii) Work involving the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.
- (j) "Occupations in the operation of any sawmill, lath mill, shingle, or cooperage stock mill" means all work performed in or about any such mill in connection with any of the following:
  - (i) Storing of logs and bolts.
  - (ii) Converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock.
  - (iii) Storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills.
  - (iv) Other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill.
- (k) "Operations in and around a mine or quarry" means all work performed at any of the following locations:
  - (i) Underground in mines or quarries.
  - (ii) On the surface at underground mines and underground operations.
  - (iii) At or about placer mining operations.
  - (iv) At or about bore-hole mining operations.
  - (v) At or about dredging operations for clay, sand, or gravel.
  - (vi) In or about all metal mills, washer plants, or grinding mills which reduce the bulk of the extracted minerals.
  - (vii) At or about any other crushing, grinding, screening, sizing, washing, or cleaning operations performed upon the extracted minerals, except where such operations are performed as a part of a manufacturing process.
- (l) "Outside helper" means any individual, other than the driver, whose work includes riding on a motor vehicle outside the cab.

#### R 408.6206 Exemptions.

Rule 206. These rules shall not apply to, or prohibit a minor from engaging in, the following activities or exempt employment:

- (a) Employment of a student minor 14 years of age or older by an employer if a written agreement or contract is entered into between the employer and the board of education of the school district in which the student minor is enrolled.
- (b) Employment in a business owned and operated by the parent or guardian of a minor.
- (c) Employment of a student minor by a school, academy, or college in which a student minor who is 14 years of age or older is enrolled.
- (d) Domestic work or chores in connection with private residences.
- (e) Soliciting, distributing, selling, or offering for sale newspapers, magazines, periodicals, or political or advertising matter.
- (f) Shoe shining.

(g) Services performed as members of recognized youth-oriented organizations that are engaged in citizenship training and character building, if the services are not intended to replace employees in occupations for which workers are ordinarily paid.

(h) Farm work designated in sector 11-agriculture, forestry, fishing, and hunting, of the 1997 North American industry classification system (NAICS) manual, if the employment is not in violation of a standard established by the department.

Sector 11 of the 1997 NAICS manual is available for inspection at [www.census.gov/eos/www/naics/reference\\_files\\_tools/1997/sec11.htm](http://www.census.gov/eos/www/naics/reference_files_tools/1997/sec11.htm), and is available for inspection and for distribution at no charge at the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

(i) Nonhazardous construction work or operations performed as an unpaid volunteer, if the construction work or operations are performed under adult supervision for a charitable housing organization. As used in this subdivision:

(i) “Charitable housing organization” means a nonprofit charitable organization the primary purpose of which is the construction or renovation of residential housing for low-income individuals.

(ii) “Family income” and “statewide median gross income” mean those terms as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(iii) “Low-income person” means a person with a family income of not more than 60% of the statewide median gross income.

(iv) “Nonhazardous construction work or operations” means construction work or operations that are performed at a construction site of a new or renovated single family home and do not involve the use of power tools, woodworking machinery, or hazardous substances or other activities that would constitute a great risk of serious injury. Activities that would constitute a great risk of serious injury include, but are not limited to, all of the following:

(A) Excavation.

(B) Highway, bridge, or street construction.

(C) Wrecking.

(D) Demolition.

(E) New commercial or new multiple residential construction.

R 408.6208 Prohibited occupations; construction; excavation; roofing; wrecking; demolition; ship-breaking operations; working with explosive materials, hazardous substances, radioactive substances, respiratory equipment; working in a confined space; machine operation and maintenance; operating special equipment; working with power-driven hoisting apparatus; occupations requiring use of motor vehicle.

Rule 208. (1) A minor less than 16 years of age shall not be employed in any occupations in a construction operation, as defined in R 408.6203(d), to include repair or the cleanup of a construction site.

(2) A minor shall not be employed in any occupation involving construction work; additions; improvements; excavating; highway, bridge, and street construction; roofing, as defined in R 408.6203(d), or wrecking; demolition; or ship-breaking operations.

(3) A minor shall not be employed in any occupation in or about plants or establishments which manufacture or store explosive materials or articles containing explosive materials, as defined in R 408.6203(m), including ammunition exceeding .60 caliber in size, except where both of the following criteria are met:

(a) None of the work performed in the area involves the mixing, transportation, handling, or use of explosive materials.

(b) The minor's work area is separated from the hazardous area by the distance prescribed for inhabited buildings in table 1, or the minor's work area is separated from the hazardous area by an earthen bank not less than 8 feet in height.

(4) Table 1 reads as follows:

Distances for Storage of Explosives

Explosives g		Distance in feet when storage is barricaded b,c,d,e					Separation of magazines f
Pounds Over	Pounds not over	From inhabited Buildings	From passenger railways	From public highways	From public highways		
2	5	70	30	30	6		
5	10	90	35	35	8		
10	20	110	45	45	10		
20	30	125	50	50	11		
30	40	140	55	55	12		
40	50	150	60	60	14		
50	75	170	70	70	15		
75	100	190	75	75	16		
100	125	200	80	80	18		
125	150	215	85	85	19		
150	200	235	95	95	21		
200	250	255	105	105	23		
250	300	270	110	110	24		
300	400	295	120	120	27		
400	500	320	130	130	29		
500	600	340	135	135	31		
600	700	355	145	145	32		
700	800	375	150	150	33		
800	900	390	155	155	35		
900	1,000	400	160	160	36		
1,000	1,200	425	170	165	39		
1,200	1,400	450	180	170	41		
1,400	1,600	470	190	175	43		
1,600	1,800	490	195	180	44		
1,800	2,000	505	205	185	45		
2,000	2,500	545	220	190	49		
2,500	3,000	580	235	195	52		
3,000	4,000	635	255	210	58		
4,000	5,000	685	275	225	61		
5,000	6,000	730	295	235	65		
6,000	7,000	770	310	245	68		
7,000	8,000	800	320	250	72		
8,000	9,000	835	335	255	75		
9,000	10,000	865	345	260	78		
10,000	12,000	875	370	270	82		
12,000	14,000	885	390	275	87		

14,000	16,000	900	405	280	90	
15,000	18,000	940	420	285	94	
18,000	20,000	975	435	290	98	
20,000	25,000	1,055	470	315	105	
25,000	30,000	1,130	500	340	112	
30,000	35,000	1,205	525	360	119	
35,000	40,000	1,275	550	380	124	
40,000	45,000	1,340	570	400	129	
45,000	50,000	1,400	590	420	135	
50,000	55,000	1,460	610	440	140	
55,000	60,000	1,515	630	455	145	
60,000	65,000	1,565	645	470	150	
65,000	70,000	1,610	660	485	155	
70,000	75,000	1,655	675	500	160	
75,000	80,000	1,695	690	510	165	
80,000	85,000	1,730	705	520	170	
85,000	90,000	1,760	720	530	175	
90,000	95,000	1,790	730	540	180	
95,000	100,000	1,815	745	545	185	
100,000	110,000		1,835	770	550	195
110,000	120,000		1,855	790	555	205
120,000	130,000		1,875	810	560	215
130,000	140,000		1,890	835	565	225
140,000	150,000		1,900	850	570	235
150,000	160,000		1,935	870	580	245
160,000	170,000		1,965	890	590	255
170,000	180,000		1,990	905	600	265
180,000	190,000		2,010	920	605	275
190,000	200,000		2,030	935	610	285
200,000	210,000		2,055	955	620	295
210,000	230,000		2,100	980	635	315
230,000	250,000		2,155	1,010	650	335
250,000	275,000		2,215	1,040	670	360
275,000	300,000		2,275	1,075	690	385

## Notes to Table

Note a. All types of blasting caps in strengths through No. 8 shall be rated at 1 1/2 (0.68 kg) of explosives per 1,000 caps.

Note b. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or building, or to a point 12 feet (3.66 m) above the center of a railway or highway, will pass through such intervening or artificial barricade.

Note c. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (0.92 m).

Note d. "Natural barricade" means natural features of the ground, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note e. When a building containing explosives is not barricaded, the distances shown in Table 1 shall be doubled.

Note f. When 2 or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they shall be separated from each other by not less than the distances shown for "Separation of magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of the cap magazines from magazines containing other explosives. If any 2 or more magazines are separated from each other by less than the specified "Separation of magazines" distances, then such 2 or more magazines, as a group, shall be considered as 1 magazine, and the total quantity of explosives stored in such group shall be treated as if stored in a single magazine located on the site of any magazine of the group and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.

Note g. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to the transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

Note h. 1 pound = 0.454 kg; 1 foot = 0.305 m.

(5) A minor shall not be employed in any occupation involving the use of or exposure to hazardous substances, as defined in R 408.6204(a).

(6) A minor shall not be employed to work in any workroom in which any of the following occurs:

(a) Radium is stored or used in the manufacture of self-luminous compounds.

(b) A self-luminous compound, as defined in R 408.6205(h), is made, processed, packaged, stored, used, or worked on.

(c) Incandescent mantles made from fabric and solutions containing thorium salts are manufactured, processed, or packaged.

(d) Other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for occupational exposure as set forth in the 40-hour week column of table 1 of the national committee on radiation protection report no. 22, entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," June 5, 1959, which is adopted by reference in these rules and is available for inspection and for distribution at no charge at the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

This report may be purchased from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814-3095, at a cost of \$20.00.

(7) A minor shall not be employed in any occupation which requires the use of respiratory equipment, as defined in R 408.6205(g).

(8) A minor under 16 years of age shall not be employed in any occupation involving work in a confined space, as defined in R 408.6203(c).

(9) A minor shall not be employed in any occupation involving the operations, setup, repair, adjustment, oiling, or cleaning of any of the following machines:

(a) Power-driven woodworking machinery, as defined in R 408.6205(e).

(b) Power-driven metal-forming, metal-punching, and metal-shearing machines, as defined in R 408.6205(c).

(c) Power-driven bakery machines, as defined in R 408.6205(a).

- (d) Power-driven paper products machinery, as defined in R 408.6205(d).
- (e) Power-driven saws.
- (f) Power-driven meat-processing machines, as defined in R 408.6205(b).
- (10) A minor shall not operate, or assist in the operation of, including the starting, stopping, adjusting, feeding, or any other activity involving physical contact with, any of the following machines:
  - (a) Trencher or earth-moving equipment.
  - (b) Tractors exceeding 20 power-take-off horsepower, including connecting or disconnecting an implement or any of its parts to or from such a tractor; except that minors 16 to 17 years of age who are provided operating instructions from their employers may operate such tractors.
- (11) A minor shall not be employed in work which involves any of the following activities:
  - (a) The operation of a power-driven hoisting apparatus, including an elevator, power industrial truck, crane, derrick, or hoist, except for the operation of an unattended automatic operation passenger elevator. An employer may apply for a deviation for 16- and 17-year-old minors to operate a motorized hand truck and low-lift platform truck, as defined in R 408.6204(c) and (f), in accordance with R 408.6303.
  - (b) Riding on a manlift or on a freight elevator, except for a freight elevator which is operated by an assigned operator.
  - (c) Assisting in the operation of a crane, derrick, or hoist as traditionally performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and similar occupations.
- (12) A minor under 16 years of age shall not work under equipment or machinery which has been elevated by a hoist, jack, blocks, or hydraulic power system.
- (13) A minor shall not be employed in any occupation which requires the operation of a motor vehicle on any public road or highway, except when such operation is occasional and incidental to the minor's primary work activities and if all of the following requirements are complied with:
  - (a) The gross vehicle weight does not exceed 6,000 pounds.
  - (b) The operation is restricted to daylight hours.
  - (c) The minor holds a state license valid for the type of motor vehicle operation involved in the job performed and has completed a state-approved driver education course.
  - (d) The vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used.
  - (e) The operation does not involve the transporting of passengers or the towing of vehicles.
- (14) A minor shall not be employed as an outside helper on any motor vehicle on a public highway.

R 408.6209 Prohibited occupations; manufacture of brick, tile, and kindred products; welding and heat treating; brazing and soldering; tanning; logging and sawmilling; mining; working in foundry; operating lawn care equipment; working in slaughtering or meat-packing establishments; working from ladders or scaffolding; firefighting.

Rule 209. (1) A minor shall not be employed in any occupation involving exposure to the manufacturing of clay construction products, as defined in R 408.6203(b), or of silica refractory products, as defined in R 408.6205(i).

- (2) A minor under 16 years of age shall not be employed to directly engage in welding or cutting with gas, arc, or resistance methods.
- (3) A minor under 16 years of age shall not be employed to directly engage in heat treating, brazing, or soldering, except for soldering with a hand-held soldering gun or iron.
- (4) A minor shall not be employed to directly engage in any aspect of the tanning process.
- (5) A minor shall not be employed in any occupation, as defined in R 408.6204(h), in connection with logging or in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill, as defined in R 408.6204(j).

- (6) A minor shall not be employed in any operation in or around a mine or quarry, as defined in R 408.6204(k).
- (7) A minor under 16 years of age shall not be employed in any occupation involving ore reduction process, the casting of metals, or other activities with direct exposure to blast furnaces.
- (8) A minor under 16 years of age shall not be employed in any occupation involving the operation of power-driven lawn mowers or cutters.
- (9) A minor shall not be employed in occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail, or service establishments, as defined in R 408.6204(i).
- (10) A minor under 16 years of age shall not be employed in any occupation requiring the use of ladders, scaffolds, or their substitutes.
- (11) A minor shall not be employed to engage in the extinguishment of fires, except that a minor who is 16 or 17 years of age may be employed for forest fire suppression on fire control mop-up work in a crew organization under the direct supervision of a crew or line fire boss.

R 408.6301 Definitions.

Rule 301. As used in this part:

- (a) "Act" means 1978 PA 90, as amended, MCL 409.101 et seq.
- (b) "Community" means a group of people having common interests who live in the same locality.
- (c) "Department" means the department of education.
- (d) "Deviation" means a variance from the established hours or hazardous occupations granted by the department to a specific employer or individual.
- (e) "Family hardship" means a condition whereby the economic well-being of the household in which a minor resides is dependent upon the earnings of the minor.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*\* \* \**

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 4. EMISSION LIMITATIONS AND PROHIBITIONS – SULFUR-BEARING COMPOUNDS

Proposed Draft February 27, 2015

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the Department of Environmental Quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512.

**R 336.1430 is added to the Michigan Administrative Code.**

**R 336.1430 Emission of SO<sub>2</sub> from United States Steel, Great Lakes Works.**

**Rule 430. (1) The provisions in this rule supersede the requirements of R 336.1407 that apply to United States Steel, Great Lakes Works reheat furnaces and Zug Island boilers as referenced in subrules (2) and (3) of this rule.**

**(2) All of the following apply to United States Steel, Great Lakes Works, 80” hot strip mill reheat furnaces:**

**(a) On and after December 31, 2016, the combined SO<sub>2</sub> emission rate from the 5 reheat furnaces shall not exceed 148 pounds per hour, based on a 1-hour average starting on the hour for each clock-hour.**

**(b) On and after December 31, 2016, the company shall install, calibrate, maintain, and operate in a manner approved by the department devices to separately monitor and record the coke oven gas and natural gas usage rates, in cubic feet per hour, for the 5 reheat furnaces combined for each hour of operation. The 5 furnaces shall be equipped with a common coke oven gas usage meter and a common natural gas usage meter. The company shall keep the usage rate records on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.**

**(c) On and after December 31, 2016, the company shall compile hourly SO<sub>2</sub> emission rate calculations for the 5 reheat furnaces combined in pounds per hour, for each hour of operation. Emission rates shall be determined using the method specified in subrule (3)(g) of this rule. The company shall keep the records of the calculations on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.**

**(d) Not later than June 30, 2017, the company shall conduct SO<sub>2</sub> emission stack tests of the reheat furnaces, based on testing of a representative furnace. Not less than 30 days before testing, a complete stack test protocol shall be submitted to the department for approval. The final plan must be approved by the department before testing. Verification of emission rates includes the**

submittal of a complete report of the test results to the department within 60 days following the last date of the test. The company shall keep the records of the test on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.

(e) On and after September 15, 2017, the company shall submit an excess emission report in an acceptable format to the department semiannually. The report shall be submitted by September 15 for the January 1 to June 30 reporting period, and by March 15 for the July 1 to December 31 reporting period. The excess emission report shall include the following information:

(A) A report of each exceedance above the SO<sub>2</sub> limitation including the date, time, magnitude, cause, and corrective actions for all occurrences during the reporting period.

(B) A report of all periods of fuel gas usage rate monitoring system downtime and corrective action.

(C) If no SO<sub>2</sub> limitation exceedance and no fuel gas usage rate monitoring system downtime occurred during the reporting period, the company shall report that fact.

(3) All of the following apply to United States Steel, Great Lakes Works, Zug Island boiler houses number 1 and 2:

(a) The following limits shall be met on and after December 31, 2016:

(i) The combined SO<sub>2</sub> emission rate from the number 1 boiler house boilers 1 to 5 shall not exceed 15 pounds per hour, based on a 1-hour average starting on the hour for each clock-hour.

(ii) The combined SO<sub>2</sub> emission rate from the number 2 boiler house boilers 1 to 5 shall not exceed 21 pounds per hour, based on a 1-hour average starting on the hour for each clock-hour.

(iii) The maximum hydrogen sulfide content of the blast furnace gas fired in the boilers shall not exceed .0274 grains per dry standard cubic foot, based on a 1-hour average starting on the hour for each clock-hour.

(b) The type of fuels burned in the boilers shall be restricted to blast furnace gas, coke oven gas, and natural gas.

(c) On and after December 31, 2016, the company shall install, calibrate, maintain, and operate in a manner approved by the department devices to separately monitor and record the coke oven gas, blast furnace gas, and natural gas usage rates in cubic feet per hour for the combined number 1 boiler house boilers and for the combined number 2 boiler house boilers for each hour of operation. The company shall keep the usage rate records on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.

(d) On and after December 31, 2016, the company shall install, calibrate, maintain, and operate in a manner approved by the department devices to monitor and record the blast furnace gas hydrogen sulfide content in grains per cubic foot for the blast furnace gas fired in the number 1 boiler house boilers 1 to 5 and in the number 2 boiler house boilers 1 to 5 on a continuous basis to determine the 1-hour average hydrogen sulfide concentration in the blast furnace gas for each hour of operation. The company shall keep the records of the hydrogen sulfide content on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.

(e) On and after December 31, 2016, the company shall compile hourly SO<sub>2</sub> emission rate calculations separately for the combined number 1 boiler house boilers 1 to 5 and for the combined number 2 boiler house boilers 1 to 5 for each hour of operation. Emission rates shall be determined using the method specified in subdivision (g) of the subrule. The company shall keep

the calculation records on file at the facility, for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.

(f) On and after September 15, 2017, the company shall submit an excess emission report in an acceptable format to the department semiannually. The report shall be submitted by September 15 for the January 1 to June 30 reporting period, and by March 15 for the July 1 to December 31 reporting period. The excess emission report shall include the following information:

(i) A report of each exceedance above the SO<sub>2</sub> and/or hydrogen sulfide limitations including the date, time, magnitude, cause, and corrective actions for all occurrences during the reporting period.

(ii) A report of all periods of fuel gas usage rate monitoring system and/or fuel gas hydrogen sulfide monitoring system downtime and corrective action.

(iii) If no SO<sub>2</sub> and/or hydrogen sulfide limitation exceedances, no fuel gas usage rate monitoring system downtime, or no fuel gas hydrogen sulfide monitoring system downtime occurred during the reporting period, the company shall report that fact.

(g) The company shall determine the average hourly SO<sub>2</sub> emission rate for the group of 5 furnaces or boilers grouped as number 1 boiler house or number 2 boiler house boilers subject to subrule (1) or (2) of this rule as specified below:

$$\text{HOURLY RATE (lbs SO}_2\text{/hour)} = [\text{COG (1000 ft}^3\text{/hour)} * (0.702 \text{ lbs SO}_2 / 1000 \text{ ft}^3) + \text{BFG (ft}^3\text{/hr)} * \text{H}_2\text{S (gr/ft}^3 \text{ BFG)}] * (1 \text{ lb H}_2\text{S} / 7,000 \text{ gr H}_2\text{S)} * (1.88 \text{ lb SO}_2 / \text{lb H}_2\text{S)} + \text{NG (1,000,000 ft}^3\text{/hr)} * (0.6 \text{ lb SO}_2 / 1,000,000 \text{ ft}^3)]$$

Where:

**HOURLY RATE** = boiler house group or furnace group emission rate (lbs SO<sub>2</sub>/hour).

**COG** = actual volume of coke oven gas consumed (1000 ft<sup>3</sup> per clock-hour) in a furnace group or boiler house group.

**BFG** = actual volume of blast furnace gas consumed (ft<sup>3</sup> per clock-hour) in a furnace group or boiler house group.

**NG** = actual volume of natural gas consumed (1,000,000 ft<sup>3</sup> per clock-hour) in a furnace group or boiler house group.

**H<sub>2</sub>S** = actual concentration of hydrogen sulfide in BFG (gr/ft<sup>3</sup>) determined on a 1-hour average basis for each clock-hour of operation.

(h) Not later than June 30, 2017, the company shall conduct SO<sub>2</sub> emission stack tests of a representative boiler in number 1 boiler house and of a representative boiler in number 2 boiler house. Not less than 30 days before to testing, a complete stack test protocol must be submitted to the department for approval. The final plan must be approved by the department before testing. Verification of emission rates includes the submittal of a complete report of the test results to the department within 60 days following the last date of the test. The company shall keep the records of the test on file at the facility for a period of 5 years, in a format acceptable to the department, and make them available to the department upon request.

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**NOTICE OF PUBLIC HEARING**

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MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
Air Quality Division

**NOTICE OF PUBLIC HEARING**

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period and public hearing on a proposed administrative rule promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). This rule is identified as R 336.1430. This rule is intended to reduce the emissions of sulfur dioxide from U.S. Steel, Great Lakes Works, Ecorse, Michigan, as a portion of Michigan's plan to address the sulfur dioxide nonattainment area in Wayne County, Michigan.

The public hearing will be held on April 8, 2015, in the River Rouge High School Auditorium, 1460 West Coolidge Highway, River Rouge, Michigan, 48218. An informational meeting will be held at 6:00 p.m. with the public hearing to follow at 7:00 p.m.

Copies of the proposed rule (ORR 2014-024 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at <http://www.michigan.gov/orr>. Click on "Pending Rule Changes" in the left column. Under "Rules by Department" click on "Environmental Quality." Scroll to ORR 2014-024 EQ, and click on "Revision Text." Copies of the rules may also be obtained by contacting the Lansing office at:

Michigan Department of Environmental Quality  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909-7760  
Phone: 517-284-6740  
Fax: 517-241-7499  
E-Mail: [debrulerc@michigan.gov](mailto:debrulerc@michigan.gov)

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above, Attention: Cari DeBruler. Written comments must be received by April 9, 2015.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**MIOSHA SAFETY AND HEALTH STANDARDS**

Proposed Draft March 11, 2015

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by section 69 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, **2003-1, 2008-4, and 2011-4**, MCL 408.1069, and 445.2001, **445.2011, 445.2025, and 445.2030**)

R 408.22101, R 408.22102, R 408.22103, R 408.22104, R 408.22105, R 408.22106, R 408.22107, R 408.22109, R 408.22110, R 408.22112, R 408.22113, R 408.22115, R 408.22117, R 408.22119, R 408.22129, R 408.22130, R 408.22138, R 408.22139, R 408.22151, and R 408.22156 are amended, and R 408.22102a, R 408.22110a, R 408.22110b, R 408.22112a, R 408.22112b, R 408.22112c, R 408.22112d, R 408.22112e, and R 408.22112f are added, and R 408.22161 and R 408.22162 are rescinded, to the Michigan Administrative Code, as follows:

**PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES**

R 408.22101 Scope.

Rule 1101. These rules provide for recordkeeping and reporting by **public** ~~pub-lic~~ and private employers covered under the act as necessary or appropriate for enforcement of the act, for developing information regarding the causes and prevention of occupational injuries and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics. ~~Some~~ **R 408.22103 lists** employers **who** are partially exempted from keeping work-related injury and illness records. ~~See R 408.22103.~~

R 408.22102 Intent.

Rule 1102. (1) These rules are substantially identical to the federal occupational safety and health act (OSHA) recordkeeping and reporting requirements, as contained in 29 C.F.R., ~~Part~~ §1904 **“Recording and Reporting of Occupational Injuries and Illnesses” amended 2014, as adopted in R 408.22102a, (2001)**, to assure that employers maintaining records pursuant to these rules are in compliance with the federal requirements and need not maintain additional records or submit additional reports pursuant to the federal regulations. R 408.21119 of this part pertains to the use of OSHA forms.

(2) This part shall not supersede the recordkeeping and reporting requirements prescribed by sections

18 and 24 of Public Law 91-596, 29 U.S.C. §§667 and 673.

(3) If an employer creates records to comply with another government agency's injury and illness recordkeeping requirements, MIOSHA will consider the records as complying with these rules if OSHA or MIOSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as these rules requires an employer to record. For help in determining whether an employer's records meet MIOSHA's requirements, an employer may contact the **MIOSHA Management Information Systems Section at [www.michigan.gov/recordkeeping](http://www.michigan.gov/recordkeeping), or telephone 517-322-1848.** ~~Information Division, Bureau of Safety and Regulation, Michigan Department of Consumer and Industry Services, P.O. Box 30643, Lansing, Michigan 48909-8143.~~

**R 408.22102a. Adopted and referenced standards.**

**Rule 1102a. (1) The following federal standards are adopted by reference in these rules:**

**(a) 29 C.F.R. §1903.2 “Posting of notice; availability of the Act, regulations and applicable standards.” amended 1974.**

**(b) 29 C.F.R. §1904 “Recording and Reporting of Occupational Injuries and Illnesses,” amended 2014.**

**(c) 45 C.F.R. § 164.512 “Uses and disclosures for which an authorization or opportunity to agree or object is not required,” amended 2013.**

**(2) The standards adopted in these rules are available from the United States Government Printing Office website: [www.ecfr.gov](http://www.ecfr.gov), at no charge as of the time of adoption of these rules.**

**(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.**

**(4) The standards adopted in these rules may be obtained as shown in subrule (3) of this rule or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.**

**(5) The following MIOSHA standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.**

**(a) Occupational Health Standard Part 380 “Occupational Noise Exposure in General Industry,” R 325.60101 to R 325.60128.**

**(b) Occupational Health Standard Part 554 “Bloodborne Infectious Diseases,” R 325.70001 to R 325.70018.**

**R 408.22103 Exceptions; applicability; petitions.**

**Rule 1103. (1) Both of the following provisions apply to exemptions based on employee numbers and industry classifications:**

**(a) If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the **United States** bureau of labor statistics (BLS), or the United States department of labor **occupational safety and health administration** (OSHA), informs you, in writing, that you must keep records according to R 408.22141 or R 408.22142. However, as required by R 408.22139, all employers covered by the act shall report to MIOSHA any workplace incident that results in a fatality or the hospitalization of 3 or more employees.**

(b) If your company had more than 10 employees at any time during the last calendar year, you must keep MIOSHA injury and illness records unless your establishment is classified as a partially exempt industry **under** ~~in~~ this rule.

(2) Both of the following provisions apply to implementation of employee number based exemptions:

(a) Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

(b) How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you did not have more than 10 employees at any time in the last calendar year, then your company qualifies for the partial exemption for size.

(3) Both of the following provisions apply to basic requirements for partial exemption for establishments in certain industries:

(a) If your business establishment is classified in a specific ~~low hazard retail, service, finance, insurance, or real estate~~ industry **group** listed in **Appendix A, appendix a**, you do not need to keep MIOSHA injury and illness records unless **MIOSHA, the United States bureau of labor statistics (BLS), or the United States department of labor occupational safety and health administration (OSHA), informs you, in writing, that you must** ~~the government asks you to~~ keep the records according to R 408.22141 or R 408.22142. However, all employers must report to MIOSHA any workplace incident that results in **an employee's fatality, inpatient hospitalization, amputation, or loss of an eye** ~~a fatality or the hospitalization of 3 or more employees~~ as required by R 408.22139.

(b) If 1 or more of your company's establishments are classified in a nonexempt industry, then you must keep MIOSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under these rules.

~~(4) All of the following provisions apply to implementation of partial exemptions:~~

~~(a) Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance, or real estate industries (SICs 52 to 89, see appendix a)? Yes, business establishments classified in agriculture; construction; manufacturing; transportation; communication, electric, gas, and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.~~

~~(b) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.~~

~~(c) How do I determine the standard industrial classification code for my company or for individual establishments? You determine your standard industrial classification (SIC) code by using the standard industrial classification manual (1987), Executive Office of the President, Office of Management and Budget. You may contact MIOSHA, Bureau of Safety and Regulation, MIOSHA Information Division, at (517) 322-1848 or the Michigan Department of Career Development, Employment Service Agency, Cadillac Place Suite 9-100, Detroit, Michigan 48202 at (313) 456-3070 for help in determining your SIC.~~

**(4) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while**

others may be partially exempt.

(5) How do I determine the correct North American industry classification system (NAICS) code for my company or for individual establishments? You can determine your NAICS code by using 1 of the following methods, or you may contact your nearest OSHA office or state agency for help in determining your NAICS code:

(a) You can use the search feature at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. In the search box for the most recent NAICS, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the 1 code that most closely corresponds to your primary business activity, or refine your search to obtain other choices.

(b) Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. Then click on the 2-digit sector code to see all the NAICS codes under that sector. Then choose the 6-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.

(c) If you know your old standard industrial classification (SIC) code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the “Concordances” link at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>.

(6)(5) The department of ~~licensing and regulatory affairs~~ consumer and industry services shall supply copies of the forms provided for in these rules and shall compile, correct, and analyze data obtained pursuant to these rules. The department shall process petitions for exceptions to these rules from public employers. The occupational safety and health administration (OSHA) of the United States department of labor shall process petitions for exceptions from private employers to ensure uniformity between federal and state rules.

R 408.22104 Definitions; A to D.

Rule 1104. (1) "Act" means **the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.** ~~Act No. 154 of the Public Acts of 1974, as amended, being §408.1101 et seq. of the Michigan Compiled Laws.~~

(2) "Affected employee" means an employee who would be affected by the granting or denial of an exception, or an authorized representative as defined by the act.

(3) "Amputation" means **the traumatic loss of a limb or other external body part. Amputation includes all of the following:**

(a) A part, such as a limb or appendage, that has been severed, cut off, amputated, either completely or partially.

(b) Fingertip amputations with or without bone loss.

(c) Medical amputations resulting from irreparable damage.

(d) Amputations of body parts that have since been reattached.

**Amputations do not include avulsions, enucleations, degloving, scalplings, severed ears, or broken or chipped teeth.**

(4) (3) "Department" means the department of **licensing and regulatory affairs.** ~~consumer and industry services.~~

(5) (4) "Director" means the director of the department of **licensing and regulatory affairs.** ~~consumer and industry services.~~

R 408.22105 Definitions; E, F.

Rule 1105. ~~As used in this part:~~ (1) (a) **“Employer”** ~~AEmployer@~~ means an individual or organization, including the state or a political subdivision, which employs 1 or more person.

(2) (b) **“Establishment”** ~~AEstablishment@~~ means a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications; electric, gas, and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, and the like that either supervise the activities or are the base from which personnel carry out the activities. The following are examples of an establishment:

- (a) (i) ~~A factory.~~ **Factory.**
- (b) (ii) Mill.
- (c) (iii) Store.
- (d) (iv) Hotel.
- (e) (v) Restaurant.
- (f) (vi) Movie theater.
- (g) (vii) Farm.
- (h) (viii) Ranch.
- (i) (ix) Bank.
- (j) (x) Sales **office.** ~~Office.~~
- (k) (xi) Warehouse.
- (l) (xii) Central administrative office.
- (m) (xiii) ~~A single~~ **Single** school within a school district.
- (n) (xiv) ~~A city~~ **City** garage within the department of public works.
- (o) (xv) ~~A branch~~ **Branch** office of the department of state.
- (p) (xvi) ~~A police~~ **Police** station within the police department of a city.

(3) (c) **“First-aid”** ~~AFirst-aid@~~ means any of the following:

(a) (i) Using a nonprescription medication at nonprescription strength. (For medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes).

(b) (ii) Administering tetanus immunizations. (Other immunizations, such as hepatitis B vaccine or rabies vaccine, are considered medical treatment).

(c) (iii) Cleaning, flushing, or soaking wounds on the surface of the skin.

(d) (iv) Using wound coverings such as bandages, **Band-aids<sup>tm</sup>**, ~~Band-aidstm~~, gauze pads, or the like; or using butterfly bandages or **Steri-strips<sup>tm</sup>**. ~~Steri-stripstm~~. (Other wound closing devices, such as sutures, staples, and the like, are considered medical treatment).

(e) (v) Using hot or cold therapy.

(f) (vi) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, or the like. (Devices that have rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes).

(g) (vii) Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, backboards, and the like.

(h) (viii) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.

(i) (ix) Using eye patches.

(j) (x) Removing foreign bodies from the eye using only irrigation or a cotton swab.

(k) (xi) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers,

cotton swabs, or other simple means.

- (l) ~~(xii)~~ Using finger guards.
- (m) ~~(xiii)~~ Using massages. (Physical therapy or chiropractic treatment is considered medical treatment for recordkeeping purposes).
- (n) ~~(xiv)~~ Drinking fluids for relief of heat stress.

R 408.22106 Definitions; H, to M.

Rule 1106. ~~As used in this part:~~ (1) (a) **“Hospitalization”** ~~A Hospitalization@~~ means the inpatient admission to a hospital for treatment, observation, or any other reason.

(2) **“Inpatient hospitalization” means the formal admission to the inpatient service of a hospital or clinic for care or treatment.**

(3) ~~(b)~~ "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of these rules, "medical treatment" does not include any of the following:

- (a) ~~(i)~~ Visits to a physician or other licensed health care professional solely for observation or counseling.
- (b) ~~(ii)~~ The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes, for example, eye drops to dilate pupils.
- (c) ~~(iii)~~ "First-aid" as defined in **R 408.22105(3)**. ~~R-408.22105(e)~~.

R 408.22107 Definitions; O to Y.

Rule 1107. ~~As used in this part:~~ (1) (a) "Occupational injury or illness" means an abnormal condition or disorder. Occupational injury is a result of a work accident or from an exposure involving a single incident in the work environment and includes, but is not limited to, a cut, fracture, sprain, or amputation. Occupational illnesses include both acute and chronic illnesses, including, but not limited to, a skin disease, respiratory disorder, or poisoning. ~~(Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet 1 or more of the recording criteria of these rules.)~~

(2) ~~(b)~~ "Other potentially infectious material" means other potentially infectious material as defined in **Occupational Health Standard Part 554 “Bloodborne Infectious Diseases,” as referenced in R 408.22102a**. ~~R-325.70001 et seq., being the bloodborne infectious diseases standard.~~ These materials include the following:

- (a) ~~(i)~~ Human bodily fluids, tissues, and organs.
- (b) ~~(ii)~~ Other materials infected with the HIV or hepatitis B (HBV) virus, such as laboratory cultures or tissues from experimental animals.
- (3) ~~(c)~~ "Physician or other licensed health care professional" means a physician or other licensed health care professional who is an individual and whose legally permitted scope of practice, that is, license, registration, or certification, allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by these rules.
- (4) ~~(d)~~ "Recordable injuries and illness" means an injury or illness that meets the general recording criteria, and therefore is recordable, if it results in any of the following:
  - (a) ~~(i)~~ Death.
  - (b) ~~(ii)~~ Days away from work.
  - (c) ~~(iii)~~ Restricted work or transfer to another job.
  - (d) ~~(iv)~~ Medical treatment beyond first-aid.
  - (e) ~~(v)~~ Loss of consciousness.

An employer must also consider a case as meeting the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it

does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first-aid, or loss of consciousness.

~~(e) "SIC" means the standard industrial classification as defined in the standard industrial classification manual (1987), Executive Office of the President, Office of Management and Budget. "SIC 52 to 89" (see appendix a) means any of the following:~~

~~(i) Retail trade establishments (SIC=s 52 to 59) whose primary activity constitutes retail trade, including establishments engaged in selling merchandise to the general public for personal or household consumption, such as automotive dealers, apparel and accessory stores, furniture and home furnishing stores, and eating and drinking places.~~

~~(ii) Finance, insurance, and real estate establishments (SIC=s 60 to 67) whose primary activity constitutes finance, insurance, and real estate, including those engaged in banking, credit other than banking, security dealings, insurance, and real estate.~~

~~(iii) Service establishments (SIC=s 70 to 89) whose primary activity constitutes services, including establishments that provide a variety of services for individuals, businesses, government agencies, and other organizations, such as personal and business services; legal, social, and cultural services; and membership organizations. For finance, insurance, real estate, and service establishments, the primary activity of an establishment is determined by the value of receipts of revenue for services rendered by the establishment. In establishments that have diversified activities, the activities determined to account for the largest share of production, sales, or revenue will identify the primary activity. In some instances, these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of the normal basis for determining the primary activity.~~

~~(5) (f) "Standard threshold shift" means a change in the hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.~~

~~(6) (g) "You" means an employer as defined in section 5 of 1974 PA 154, MCL 408.1005.~~

#### R 408.22109 Recording criteria.

Rule 1109. ~~Basic recording requirement.~~ (1) Each employer required to keep records of fatalities, injuries, and illnesses must record each fatality, injury, and illness that involves all of the following:

(a) Is work-related.

(b) Is a new case.

(c) Meets 1 or more of the general recording criteria of R 408.22112 **to R 408.22112f** or the application to specific cases of R 408.22113 **to R 408.22119. R 408.22120.**

(2) What sections of this rule describe recording criteria for recording **work-related** ~~workrelated~~ injuries and illnesses? The following list indicates which rules address each topic:

(a) Determination of work-relatedness. See R 408.22110 **to R 408.22110b.**

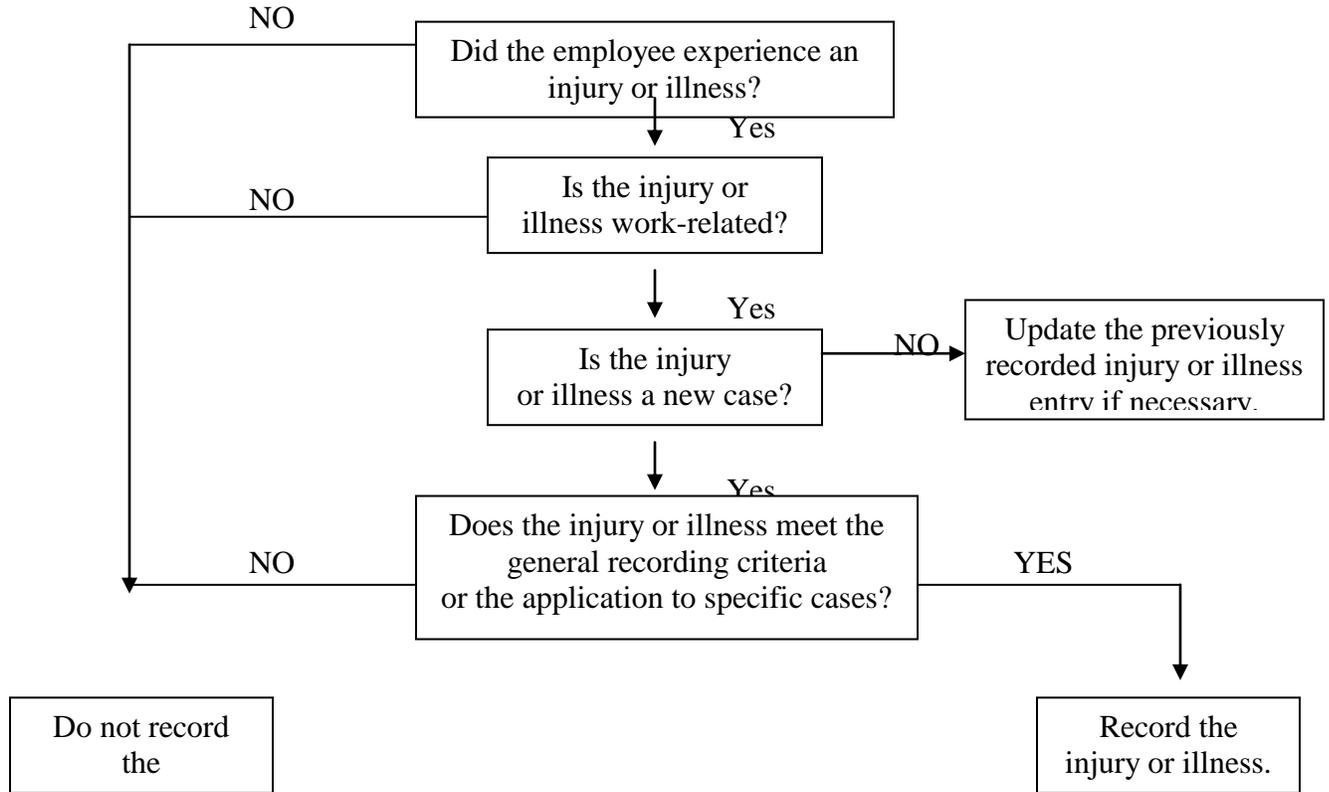
(b) Determination of a new case. See R 408.22111.

(c) General recording criteria. See R 408.22112 **to R 408.22112f.**

(d) Additional criteria such as needlestick and sharps injury cases, tuberculosis cases, and medical removal cases. See R 408.22113 **to R 408.22119. R 408.22120**

(3) How do I decide whether a particular injury or illness is recordable? The **following** decision tree for recording work-related injuries and illnesses ~~below~~ shows the steps involved in making this determination:

408.22109 Flow Chart.



**DETERMINATION OF WORK-RELATEDNESS**

R 408.22110 **Basic requirement.** ~~Determination of work relatedness.~~

Rule 1110. ~~(1) Basic requirement.~~ You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in **R 408.22110a(4)** ~~subrule (2)(b)~~ specifically applies.

~~(2) Implementation.~~

~~(a) What is the "work environment"? MIOSHA defines the work environment as "the establishment and other locations where 1 or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."~~

~~(i) Can 1 business location include 2 or more establishments? Normally, 1 business location has only 1 establishment. Under limited conditions, the employer may consider 2 or more separate businesses that share a single location to be separate establishments. An employer may divide 1 location into 2 or more establishments only when all of the following provisions apply:~~

~~(A) Each of the establishments represents a distinctly separate business.~~

~~(B) Each business is engaged in a different economic activity.~~

~~(C) A single industry description in the standard industrial classification manual (1987) does not apply to the joint activities of the establishments.~~

~~(D) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.~~

~~(ii) Can an establishment include more than 1 physical location? Yes, but only under certain conditions. An employer may combine 2 or more physical locations into a single establishment only when all of the following provisions apply:~~

~~(A) The employer operates the locations as a single business operation under common management.~~

~~(B) The locations are all located in close proximity to each other.~~

~~(C) The employer keeps 1 set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, 1 manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.~~

~~(iii) If an employee telecommutes from home, is his or her home considered a separate establishment? No, for employees who telecommute from home, the employee's home is not a business establishment and a separate 300 log is not required. Employees who telecommute must be linked to 1 of your establishments under subdivision (e) of this subrule.~~

~~(b) Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes, an injury or illness occurring in the work environment that falls under any of the following exceptions is not work-related, and therefore is not recordable:~~

408.22110 Chart.

R 408.22110(2)(b)	You are not required to record injuries and illnesses if...
(i)	At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
(ii)	The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.
(iii)	The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(iv)	The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption whether bought on the employer's premises or brought in. For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. Note: if the employee is made ill by ingesting food contaminated by workplace contaminants, such as lead, or gets food

	poisoning from food supplied by the employer, then the case would be considered work related.
(v)	The injury or illness is solely the result of an employee doing personal tasks, unrelated to his or her employment at the establishment outside of the employee's assigned working hours.
(vi)	The injury or illness is solely the result of personal grooming, self medication for a non work related condition, or is intentionally self-inflicted.
(vii)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(viii)	The illness is the common cold or flu (note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work related if the employee is infected at work).
(ix)	The illness is a mental illness. Mental illness will not be considered work related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional who has appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, or the like) stating that the employee has a mental illness that is work related.

(c) How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must evaluate the employee's work duties and environment to decide whether or not 1 or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting condition.

(d) How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness? A preexisting injury or illness has been significantly aggravated, for purposes of MIOSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

(i) Death, if the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

(ii) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

(iii) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(iv) Medical treatment in a case where medical treatment was not needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(e) Which injuries and illnesses are considered preexisting conditions? An injury or illness is a preexisting condition if it resulted solely from a non work related event or exposure that occurred outside the work environment.

(f) How do I decide whether an injury or illness is work related if the employee is on travel status at the time the injury or illness occurs? Injuries and illnesses that occur while an employee is on travel status

are work related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer."

Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet any of the exceptions listed below.

408.22110 Chart.

R 408.22110(2)(f)	If the employee has ...:	You may use the following to determine if an injury or illness is work related.
(i)	Checked into a hotel or motel for 1 or more days.	When a traveling employee checks into a hotel, motel, or other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for his or her work relatedness in the same manner as you evaluate the activities of a non traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work related if they occur while the employee is commuting between the temporary residence and the job location.
(ii)	Taken a detour for personal reasons.	Injuries or illnesses are not considered work related if they occur while the employee is on a personal detour from a reasonably direct route of travel, that is, has taken a side trip for personal reasons.

(g) How do I decide if a case is work related when the employee is working at home? Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work related.

**R 408.22110a Implementation.**

**Rule 1110a. (1) What is the "work environment"? MIOSHA defines the work environment as “the establishment and other locations where 1 or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work.”**

**(2) May 1 business location include 2 or more establishments? Normally, 1 business location has only 1 establishment. Under limited conditions, an employer may consider 2 or more separate businesses that share a single location to be separate establishments. An employer may divide 1 location into 2 or more establishments only when all of the following provisions apply:**

- (a) Each of the establishments represents a distinctly separate business.**
- (b) Each business is engaged in a different economic activity.**
- (c) A single industry description in the standard industrial classification manual (1987) does not apply to the joint activities of the establishments.**

**(d) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.**

**(3) May an establishment include more than 1 physical location? Yes, but only under certain conditions. An employer may combine 2 or more physical locations into a single establishment only when all of the following provisions apply:**

- (a) The employer operates the locations as a single business operation under common management.**
- (b) The locations are all located in close proximity to each other.**
- (c) The employer keeps 1 set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, 1 manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.**

**(4) If an employee telecommutes from home, is his or her home considered a separate establishment? No. For an employee who telecommutes from home, the employee's home is not a business establishment and a separate 300 log is not required. An employee who telecommutes must be linked to 1 of your establishments under R 408.22130(4).**

**(5) Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes. An injury or illness occurring in the work environment that falls under any of the following exceptions is not work-related, and therefore is not recordable:**

<b>R 408.22110a(5)</b>	<b>YOU ARE NOT REQUIRED TO RECORD INJURIES AND ILLNESSES IF...</b>
<b>(a)</b>	<b>At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.</b>
<b>(b)</b>	<b>The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.</b>
<b>(c)</b>	<b>The injury or illness results solely from voluntary participation in a</b>

	wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(d)	The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption whether bought on the employer's premises or brought in. For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. Note: If the employee is made ill by ingesting food contaminated by workplace contaminants, such as lead, or gets food poisoning from food supplied by the employer, then the case would be considered work-related.
(e)	The injury or illness is solely the result of an employee doing personal tasks, unrelated to his or her employment, at the establishment outside of the employee's assigned working hours.
(f)	The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted.
(g)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(h)	The illness is the common cold or flu. Note: Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.
(i)	The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional who has appropriate training and experience, such as a psychiatrist, psychologist, psychiatric nurse practitioner, or the like, stating that the employee has a mental illness that is work-related.

**R 408.22110b How to handle unusual cases.**

**Rule 1110b. (1) How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must evaluate the employee's work duties and environment to decide whether or not 1 or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting condition.**

**(2) How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness? A preexisting injury or illness has been significantly aggravated, for purposes of MIOSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:**

**(a) Death, if the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.**

**(b) Loss of consciousness, provided that the preexisting injury or illness would likely not have**

resulted in loss of consciousness but for the occupational event or exposure.

(c) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(d) Medical treatment in a case where medical treatment was not needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(2) Which injuries and illnesses are considered preexisting conditions? An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

(3) How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs? Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business. Work-related entertainment includes only entertainment activities being engaged in at the direction of the employer.

(4) Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if the injuries or illnesses meet any of the following exceptions:

R 408.22110b(4)	If the employee has ...:	You may use the following to determine if an injury or illness is work-related.
(a)	Checked into a hotel or motel for 1 or more days.	When a traveling employee checks into a hotel, motel, or other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for his or her work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
(b)	Taken a detour for personal reasons.	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel, that is, has taken a side trip for personal reasons.

**(5) How do I decide if a case is work-related when the employee is working at home? Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.**

## **GENERAL RECORDING CRITERIA**

### **R 408.22112 Basic requirement. ~~General recording criteria.~~**

Rule 1112. (1) ~~Basic requirement~~ You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if **the injury or illness** ~~it~~ results in any of the following:

- (a) Death.
- (b) Days away from work.
- (c) Restricted work or transfer to another job.
- (d) Medical treatment beyond first-aid.
- (e) Loss of consciousness.

(2) You must ~~also~~ consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first-aid, or loss of consciousness.

~~(2) All of the following provisions apply to implementation of general recording criteria:~~

~~(a) How do I decide if a case meets 1 or more of the general recording criteria? A work-related injury or illness must be recorded if it results in 1 or more of the following:~~

- ~~(i) Death. See subdivision (b) of this subrule.~~
- ~~(ii) Days away from work. See subdivision (c) of this subrule.~~
- ~~(iii) Restricted work or transfer to another job. See subdivision (d) of this subrule.~~
- ~~(iv) Medical treatment beyond first-aid. See subdivision (e) of this subrule.~~
- ~~(v) Loss of consciousness. See subdivision (f) of this subrule.~~
- ~~(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional. See subdivision (g) of this subrule.~~

~~(b) How do I record a work-related injury or illness that results in the employee's death? You must record an injury or illness that results in death by entering a check mark on the MIOSHA 300 log in the space for cases resulting in death. You must also report any work-related fatality to MIOSHA within 8 hours, as required by R 408.22139.~~

~~(c) How do I record a work-related injury or illness that results in days away from work? When an injury or illness involves 1 or more days away from work, you must record the injury or illness on the MIOSHA 300 log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.~~

~~(i) Do I count the day on which the injury occurred or the illness began? No, you begin counting days away on the day after the injury occurred or the illness began.~~

~~(ii) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the MIOSHA 300 log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.~~

~~(iii) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.~~

~~(iv) How do I count weekends, holidays, or other days the employee would not have worked anyway? You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those days. Weekend days, holidays, vacation days, or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.~~

~~(v) How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend? You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.~~

~~(vi) How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.~~

~~(vii) Is there a limit to the number of days away from work I must count? Yes, you may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work or days of job transfer or restriction, or both. In such a case, entering 180 in the total days away column will be considered adequate.~~

~~(viii) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the MIOSHA 300 log.~~

~~(ix) If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years? No, you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the MIOSHA 300 log for the year in which the injury or~~

illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

(d) How do I record a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the MIOSHA 300 log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

(i) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness, either of the following occurs:

(A) You keep the employee from performing 1 or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work.

(B) A physician or other licensed health care professional recommends that the employee not perform 1 or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

(ii) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

(iii) Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(iv) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No, a recommended work restriction is recordable only if it affects 1 or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing 1 or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

(v) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(vi) If the injured or ill worker produces fewer goods or services than he or she would have produced before the injury or illness, but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

(vii) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"? If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to 1 or both of these questions is "no," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, then record the injury or illness as a case involving restricted work.

~~(viii) What do I do if a physician or other licensed health care professional recommends a job restriction meeting MIOSHA's definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the MIOSHA 300 log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.~~

~~(ix) How do I decide if an injury or illness involved a transfer to another job? If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: this does not include the day on which the injury or illness occurred.~~

~~(x) Are transfers to another job recorded in the same way as restricted work cases? Yes, both job transfer and restricted work cases are recorded in the same box on the MIOSHA 300 log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.~~

~~(xi) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using subdivision (c)(i) to (viii) of this subrule. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least 1 day of restricted work or job transfer for such cases.~~

~~(e) How do I record an injury or illness that involves medical treatment beyond first aid? If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the MIOSHA 300 log. If the injury or illness did not involve death, 1 or more days away from work, 1 or more days of restricted work, or 1 or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.~~

~~(i) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of these rules, medical treatment does not include any of the following:~~

~~(A) Visits to a physician or other licensed health care professional solely for observation or counseling.~~

~~(B) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes, such as eye drops to dilate pupils.~~

~~(C) "First aid" as defined in paragraph (ii) of this subdivision.~~

~~(ii) What is "first aid"? For the purposes of these rules, "first aid" means any of the following:~~

~~(A) Using a nonprescription medication at nonprescription strength. For medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes.~~

~~(B) Administering tetanus immunizations. Administering other immunizations, such as hepatitis B vaccine or rabies vaccine, is considered medical treatment.~~

~~(C) Cleaning, flushing, or soaking wounds on the surface of the skin.~~

~~(D) Using wound coverings such as bandages, Band-aids™, gauze pads, or the like; or using butterfly bandages or Steri-strips™. (Using other wound closing devices, such as sutures, staples, or the like, is considered medical treatment.)~~

~~(E) Using hot or cold therapy.~~

~~(F) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, or the like. (Using devices that have rigid stays or other systems designed to immobilize parts of the body is considered medical treatment for recordkeeping purposes.)~~

~~(G) Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, back boards, and the like.~~

~~(H) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.~~

~~(I) Using eye patches.~~

~~(J) Removing foreign bodies from the eye using only irrigation or a cotton swab.~~

~~(K) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means.~~

~~(L) Using finger guards.~~

~~(M) Using massages. Physical therapy or chiropractic treatment is considered medical treatment for recordkeeping purposes.~~

~~(N) Drinking fluids for relief of heat stress.~~

~~(iii) Are any other procedures included in first aid? No, this is a complete list of all treatments considered first aid for the purposes of these rules.~~

~~(iv) Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment? No, MIOSHA considers the treatments listed in paragraph (ii) of this subdivision to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid. Similarly, MIOSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.~~

~~(v) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.~~

~~(f) Is every work related injury or illness case involving a loss of consciousness recordable? Yes, you must record a work related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.~~

~~(g) What is a "significant" diagnosed injury or illness that is recordable under the general criteria, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness? Work related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.~~

~~Note: MIOSHA believes that most significant injuries and illnesses will result in 1 of the criteria listed in subrule (1) of this rule, such as: death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. MIOSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.~~

**R 408.22112a Implementation.**

**Rule 1112a. (1) How do I decide if a case meets 1 or more of the general recording criteria? A work-related injury or illness must be recorded if it results in 1 or more of the following:**

- (a) Death. See subrule (2) of this rule.**
- (b) Days away from work. See R 408.22112b.**
- (c) Restricted work or transfer to another job. See R 408.22112c.**
- (d) Medical treatment beyond first-aid. See R 408.22112d.**
- (e) Loss of consciousness. See R 408.22112e.**
- (f) A significant injury or illness diagnosed by a physician or other licensed health care professional. See R 408.22112f.**

**(2) How do I record a work-related injury or illness that results in the employee's death? You must record an injury or illness that results in death by entering a check mark on the MIOSHA 300 log in the space for cases resulting in death. You must also report any work-related fatality to MIOSHA within 8 hours, as required by R 408.22139.**

**R 408.22112b Record work-related injury or illness that results in days away from work.**

**Rule 1112b. (1) How do I record a work-related injury or illness that results in days away from work? When an injury or illness involves 1 or more days away from work, you must record the injury or illness on the MIOSHA 300 log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.**

**(2) Do I count the day on which the injury occurred or the illness began? No. You begin counting days away on the day after the injury occurred or the illness began.**

**(3) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the MIOSHA 300 log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.**

**(4) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.**

**(5) How do I count weekends, holidays, or other days the employee would not have worked anyway? You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those days. Weekend days, holidays, vacation days, or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.**

**(6) How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend? You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.**

**(7) How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.**

**(8) Is there a limit to the number of days away from work I must count? Yes. You may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work or days of job transfer or restriction, or both. In such a case, entering 180 in the total days away column will be considered adequate.**

**(9) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes. If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction or job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction or job transfer and enter the day count on the MIOSHA 300 log.**

**(10) If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years? No. You only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the MIOSHA 300 log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.**

**R 408.22112c Record work-related injury or illness that results in restricted work or job transfer.**

**Rule 1112c. (1) How do I record a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the MIOSHA 300 log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.**

**(2) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness, either of the following occurs:**

**(a) You keep the employee from performing 1 or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work.**

**(b) A physician or other licensed health care professional recommends that the employee not perform 1 or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.**

**(3) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine**

functions are those work activities the employee regularly performs at least once per week.

(4) Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No. You do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(5) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No. A recommended work restriction is recordable only if it affects 1 or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing 1 or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

(6) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(7) If the injured or ill worker produces fewer goods or services than he or she would have produced before the injury or illness, but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No. The case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

(8) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"? If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to 1 or both of these questions is "no," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, then record the injury or illness as a case involving restricted work.

(9) What do I do if a physician or other licensed health care professional recommends a job restriction meeting MIOSHA's definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the MIOSHA 300 log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

(10) How do I decide if an injury or illness involved a transfer to another job? If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: This does not include the day on which the injury or illness occurred.

(11) Are transfers to another job recorded in the same way as restricted work cases? Yes. Both job transfer and restricted work cases are recorded in the same box on the MIOSHA 300 log. For

example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

(12) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using R 408.22112b (2) to (9). The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least 1 day of restricted work or job transfer for such cases.

**R 408.22112d Recording injury or illness that involves medical treatment beyond first-aid.**

**Rule 1112d. (1) How do I record an injury or illness that involves medical treatment beyond first-aid? If a work-related injury or illness results in medical treatment beyond first-aid, you must record it on the MIOSHA 300 log. If the injury or illness did not involve death, 1 or more days away from work, 1 or more days of restricted work, or 1 or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.**

**(2) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of these rules, medical treatment does not include any of the following:**

**(a) Visits to a physician or other licensed health care professional solely for observation or counseling.**

**(b) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes, such as eye drops to dilate pupils.**

**(c) "First-aid" as defined in subrule (3) of this rule.**

**(3) What is "first-aid"? For the purposes of these rules, "first-aid" means any of the following:**

**(a) Using a nonprescription medication at nonprescription strength. For medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes.**

**(b) Administering tetanus immunizations. Administering other immunizations, such as hepatitis B vaccine or rabies vaccine, is considered medical treatment.**

**(c) Cleaning, flushing, or soaking wounds on the surface of the skin.**

**(d) Using wound coverings such as bandages, Band-aids™, gauze pads, or the like; or using butterfly bandages or Steri-strips™. Using other wound closing devices, such as sutures, staples, or the like, is considered medical treatment.**

**(e) Using hot or cold therapy.**

**(f) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, or the like. Using devices that have rigid stays or other systems designed to immobilize parts of the body is considered medical treatment for recordkeeping purposes.**

**(g) Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, back boards, and the like.**

**(h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.**

**(i) Using eye patches.**

**(j) Removing foreign bodies from the eye using only irrigation or a cotton swab.**

**(k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means.**

**(l) Using finger guards.**

**(m) Using massages. Physical therapy or chiropractic treatment is considered medical treatment for recordkeeping purposes.**

**(n) Drinking fluids for relief of heat stress.**

**(4) Are any other procedures included in first-aid? No. This is a complete list of all treatments considered first-aid for the purposes of these rules.**

**(5) Does the professional status of the person providing the treatment have any effect on what is considered first-aid or medical treatment? No. MIOSHA considers the treatments listed in subrule (3) of this rule to be first-aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first-aid. Similarly, MIOSHA considers treatment beyond first-aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional**

**(6) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.**

**R 408.22112e Record of work-related injury or illness case involving loss of consciousness recordable.**

**Rule 1112e. Is every work-related injury or illness case involving a loss of consciousness recordable? Yes. You must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.**

**R 408.22112f "Significant" diagnosed injury or illness that is recordable,**

**Rule 1112f. What is a "significant" diagnosed injury or illness that is recordable under the general criteria, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first-aid, or loss of consciousness? Work-related cases involving cancer, a chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.**

**Note: Most significant injuries and illnesses will result in 1 of the criteria listed in R 408.22112, such as death, days away from work, restricted work or job transfer, medical treatment beyond first-aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are certain significant progressive diseases, such as byssinosis, silicosis, and certain types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.**

R 408.22113 Recording criteria for needlestick and sharps injuries.

Rule 1113. (1) ~~Basic requirement.~~ You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another ~~person's person=s~~ blood or other potentially infectious material, as defined in **Occupational Health Standard Part 554 "Bloodborne Infectious Diseases," as referenced in R 408.22102a.** You must enter the case on the MIOSHA 300 log as an injury. To protect the ~~employee's employee=s~~ privacy, you may not enter the ~~employee's employee=s~~ name on the MIOSHA 300 log (see the requirements for privacy cases in R 408.22129(7) to (10)).

(2) ~~Implementation.~~(a) What does "other potentially infectious ~~material~~" ~~material@~~ mean? The term "other potentially infectious ~~material~~" ~~materials@~~ is defined in R 408.22107(2). These materials include the following:

(a) ~~(i)~~ Human bodily fluids, tissues, and organs.

(b) ~~(ii)~~ Other materials infected with the HIV or hepatitis B (HBV) virus, such as laboratory cultures or tissues from experimental animals.

(3) Does this mean that I must record all cuts, lacerations, punctures, and scratches? No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another ~~person's person=s~~ blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets 1 or more of the recording criteria in R 408.22112 to R 408.22112f.

(4) If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the MIOSHA 300 log? Yes, you must update the classification of the case on the MIOSHA 300 log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.

(5) What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident? You need to record such an incident on the MIOSHA 300 log as an illness if any of the following provisions apply:

(a) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C.

(b) It meets 1 or more of the recording criteria in R 408.22112 to R 408.22112f.

R 408.22115 Recording criteria for cases involving occupational hearing loss, after January 1, 2003.

Rule 1115. (1) ~~Basic requirements.~~ If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related standard threshold shift (STS) in hearing in ~~1 one~~ or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear or ears as the STS, you must record the case on the MIOSHA 300 Log, column 5.

(2) ~~Implementation.~~(a) What is a ~~Standard Threshold Shift~~ **standard threshold shift**? A ~~Standard Threshold Shift~~ **standard threshold shift**, or STS, is defined in **Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry"** as referenced in R 408.22102a, ~~the occupational noise exposure standard, R 325.60102(n)~~ as a change in hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz (Hz) in ~~1 one~~ or both ears.

(3) ~~(b)~~ How do I evaluate the current audiogram to determine whether an employee has an STS and a 25 dB hearing level?

(a) ~~(i)~~ If the employee has never previously experienced a recordable hearing loss, then you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recordable hearing loss, then you must compare the employee's current

audiogram with the employee's revised baseline audiogram, **which is** the audiogram reflecting the employee's previous recordable hearing loss case:

(b) ~~(ii)~~ 25 dB loss. Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine ~~if whether or not~~ the employee's total hearing level is 25 dB or more.

(4) ~~(e)~~ May I adjust the current audiogram to reflect the effects of aging on hearing? Yes. When you are determining whether an STS has occurred, you may age adjust the employee's current audiogram results by using Table 4, as appropriate, from **Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry" as referenced in R 408.22102a.** ~~R 325.60118 in the occupational noise exposure standard Part 380.~~ You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

(5) ~~(d)~~ Do I have to record the hearing loss if I am going to retest the employee's hearing? No. **If** ~~if~~ you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the MIOSHA 300 ~~Log~~ **log**. If the retest confirms the recordable STS, you must record the hearing loss illness within 7 calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of **Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry" as referenced in R 408.22102a, R 325.60110 et seq., titled occupational noise exposure standard Part 380,** indicates that an STS is not persistent, then you may erase or line-out the recorded entry.

(6) ~~(e)~~ Are there any special rules for determining whether a hearing loss case is work-related? No. You must use the requirements in R 408.22110 to **R 408.22110b** to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, you must consider the case to be work-related.

(7) ~~(f)~~ If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the MIOSHA 300 ~~Log~~ **log**.

**(8) How do I complete the MIOSHA 300 log for a hearing loss case? When you enter a recordable hearing loss case on the MIOSHA 300 log, you must check the 300 log column for hearing loss.**

R 408.22117 Recording criteria for work-related tuberculosis cases.

Rule 1117. (1) ~~Basic requirement.~~ If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the MIOSHA 300 log by checking the "respiratory condition" column.

(2) ~~Implementation.~~ ~~(a)~~ Do I have to record, on the log, a positive TB skin test result obtained at a **pre-employment** ~~preemployment~~ physical? No. **You** ~~you~~ do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.

(3) ~~(b)~~ May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure? Yes. **You** ~~you~~ may line-out or erase the case from the log under the any of the following circumstances:

(a) ~~(i)~~ The worker is living in a household with a person who has been diagnosed with active TB.

(b) ~~(ii)~~ The ~~public health~~ department of **community health** has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace.

(c) ~~(iii)~~ A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

R 408.22119 Record keeping on federal OSHA forms.

Rule 1119. Records maintained by an employer pursuant to this part on the federal record keeping forms OSHA 301, OSHA 300, **and AND OSHA 300A 300-A** shall be regarded as in compliance with the state requirements as provided in this part.

R 408.22129 Forms.

Rule 1129 (1) ~~Basic requirement.~~ You must use MIOSHA 300, **300A, 300-a,** and 301 forms, or equivalent forms, and shall complete the forms in the detail required by the forms and the instructions contained in the forms for the purpose of recording recordable injuries and illnesses. The MIOSHA 300 form is called the log of **work-related** ~~work-related~~ injuries and illnesses, the **300A 300-a** is the summary of work-related injuries and illnesses, and the MIOSHA 301 form is called the injury and illness incident report.

(2) ~~Implementation.~~ What do I need to do to complete the MIOSHA 300 log? You must enter information about your business at the top of the MIOSHA 300 log, enter a 1 or 2-line description for each recordable injury or illness, and summarize this information on the MIOSHA **300A 300-a** at the end of the year.

(3) What do I need to do to complete the MIOSHA 301 incident report? You must complete a MIOSHA 301 incident report form, or an equivalent form, for each recordable injury or illness entered on the MIOSHA 300 log.

(4) How quickly must each injury or illness be recorded? You must enter each recordable injury or illness on the MIOSHA 300 log and 301 incident report within 7 calendar days of receiving information that a recordable injury or illness has occurred.

(5) What is an equivalent form? An equivalent form is **a form one** that has the same information, is as readable and understandable, and is completed using the same instructions as the MIOSHA form it replaces. Many employers use an insurance form instead of the MIOSHA 301 incident report, or supplement an insurance form by adding any additional information required by MIOSHA.

(6) May I keep my records on a computer? Yes. **If** ~~if~~ the computer can produce equivalent forms when they are needed, as described under R 408.22135 and R 408.22140, you may keep your records using the computer system.

(7) Are there situations where I do not put the employee's name on the forms for privacy reasons? Yes. **If,** ~~if~~ you have a "privacy concern case," you may not enter the employee's name on the MIOSHA 300 log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the MIOSHA 300 log under R 408.22135(3). You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(8) How do I determine if an injury or illness is a privacy concern case? You must consider all of the following injuries or illnesses to be privacy concern cases:

- (a) An injury or illness to an intimate body part or the reproductive system.
- (b) An injury or illness resulting from a sexual assault.
- (c) Mental illnesses.
- (d) HIV infection, hepatitis, or tuberculosis.
- (e) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material. ~~See (see R 408.22113(2) and R 408.22107(2) for definitions. )~~

(f) Other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log. After January 1, 2003, musculoskeletal disorders (MSDs) are not considered privacy concern cases.

(9) May I classify any other types of injuries and illnesses as privacy concern cases? No. **The list in subrule (8) of this rule** ~~this~~ is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of these rules.

(10) If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy? Yes. ~~If~~ ~~if~~ you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the MIOSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(11) What must I do to protect employee privacy if I wish to provide access to the MIOSHA forms 300 and 301 to persons other than government representatives, employees, former employees, or authorized representatives? If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees, or authorized representatives, as required by R 408.22135 and R 408.22140, you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only as follows:

(a) To an auditor or consultant hired by the employer to evaluate the safety and health program.

(b) To the extent necessary for processing a claim for workers' compensation or other insurance benefits.

(c) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under the United States department of health and human services standards for privacy of individually identifiable health information, 45 C.F.R. §164.512 **"Uses and disclosures for which an authorization or opportunity to agree or object is not required," amended 2013, which is as adopted in R 408.22102a.** ~~by reference. The provisions of the Code of Federal Regulations, Title 45, Public Welfare, revised October 1, 2000: Part 1-199, may be purchased at a cost at the time of adoption of these rules of \$50.00 from the United States Government Bookstore, Patrick V. McNamara Federal Building, Suite 160, 477 Michigan Avenue, Detroit, Michigan 48226; Website HTTP://BOOKSTORE.GPO.GOV; or from the MIOSHA Standards Division, Michigan Department of Consumer and Industry Services, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143.~~

R 408.22130 Multiple business establishments.

Rule 1130. (1) ~~Basic requirement.~~ You must keep a separate MIOSHA 300 log for each establishment that is expected to be in operation for 1 year or longer.

(2) ~~Implementation.~~(a) Do I need to keep MIOSHA injury and illness records for short-term establishments, that is, establishments that will exist for less than a year? Yes. **However,** ~~however,~~ you do not have to keep a separate MIOSHA 300 log for each such establishment. You may keep 1 MIOSHA 300 log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on a MIOSHA 300 log that covers short-term establishments for individual company divisions or geographic regions.

(3) ~~(b)~~ May I keep the records for all of my establishments at my headquarters location or at some other central location? Yes. **You**, ~~you~~ may keep the records for an establishment at your headquarters or other central location if you comply with both of the following provisions:

(a) ~~(i)~~ Transmit information about the injuries and illnesses from the establishment to the central location within 7 calendar days of receiving information that a recordable injury or illness has occurred.

(b) ~~(ii)~~ Produce and send the records from the central location to the establishment within the time frames required by R 408.22135 and R 408.22140 when you are required to provide records to a government representative, employees, former employees, or employee representatives.

(4) ~~(e)~~ Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees? You must link each of your employees with 1 of your establishments, for recordkeeping purposes. You must record the injury and illness on the MIOSHA 300 log of the injured or ill employee's establishment, or on a MIOSHA 300 log that covers that employee's short-term establishment.

(5) ~~(d)~~ How do I record an injury or illness when an employee of **1** ~~one~~ of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at **1** ~~one~~ of your establishments, you must record the injury or illness on the MIOSHA 300 log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at **1** ~~one~~ of your establishments, you must record the case on the MIOSHA 300 log at the establishment at which the employee normally works.

R 408.22138 Private sector variances from ~~the~~ recordkeeping rule.

Rule 1138. (1) ~~Basic requirement.~~ If you are a private employer and wish to keep records in a different manner from the manner prescribed by these rules, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system provides all of the following:

(a) Collects the same information as this part requires.

(b) Meets the purposes of the act.

(c) Does not interfere with the administration of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq.

(2) ~~Implementation.~~ ~~(a)~~ What do I need to include in my variance petition? You must include all of the following items in your petition:

(a) ~~(i)~~ Your name and address.

(b) ~~(ii)~~ A list of the state or states where the variance would be used.

(c) ~~(iii)~~ The address or addresses of the business establishment or establishments involved.

(d) ~~(iv)~~ A description of why you are seeking a variance.

(e) ~~(v)~~ A description of the different recordkeeping procedures you propose to use.

(f) ~~(vi)~~ A description of how your proposed procedures will collect the same information as would be collected by these rules and achieve the purpose of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq.

(g) ~~(vii)~~ A statement that you have informed your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under 29 C.F.R. ~~1903.2(a)~~ **1903.2 “Posting of notice; availability of the Act, regulations and applicable standards” rule (a), which is as adopted in R 408.22102a.** ~~by reference. The provisions of the Code of Federal Regulations, Title 29, Labor, revised July 1, 2001: Part 1900-1910, may be purchased at a cost at the time of adoption of these rules of \$55.00 from the United States Government Bookstore, Patrick V. McNamara Federal Building, Suite 160, 477 Michigan~~

~~Avenue, Detroit, Michigan 48226; Website HTTP://BOOKSTORE.GPO.GOV; or from the MIOSHA Standards Division, Michigan Department of Consumer and Industry Services, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143.~~

(3) ~~(b)~~ How will the assistant secretary handle my variance petition? The assistant secretary will take the following steps to process your variance petition:

(a) ~~(i)~~ The assistant secretary will offer your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition.

(b) ~~(ii)~~ The assistant secretary may allow the public to comment on your variance petition by publishing the petition in the Federal Register. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

(c) ~~(iii)~~ After reviewing your variance petition and any comments from your employees and the public, the assistant secretary will decide ~~if whether or not~~ your proposed recordkeeping procedures will meet the purposes of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq., will not otherwise interfere with the act, and will provide the same information as the 29 C.F.R. ~~part~~ §1904 **“Recording and Reporting of Occupational Injuries and Illnesses” as amended 2014, as adopted in R 408.22102a**, regulations provide. If your procedures meet these criteria, the assistant secretary may grant the variance subject to such conditions as he or she finds appropriate.

(d) ~~(iv)~~ If the assistant secretary grants your variance petition, OSHA will publish a notice in the Federal Register to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

(4) ~~(e)~~ If I apply for a variance, may I use my proposed recordkeeping procedures while the assistant secretary is processing the variance petition? No. **Alternative** ~~, alternative~~ recordkeeping practices are only allowed after the variance is approved. You must comply with the 29 C.F.R. ~~Part~~ §1904 **“Recording and Reporting of Occupational Injuries and Illnesses,” as amended 2014, as adopted in R 408.22102a**, regulations while the assistant secretary is reviewing your variance petition. ~~The provisions of the Code of Federal Regulations, Title 29, Labor, revised July 1, 2001: Part 1900-1910, may be purchased at a cost at the time of adoption of these rules of \$55.00 from the United States Government Bookstore, Patrick V. McNamara Federal Building, Suite 160, 477 Michigan Avenue, Detroit, Michigan 48226; Website HTTP://BOOKSTORE.GPO.GOV; or from the MIOSHA Standards Division, Michigan Department of Consumer and Industry Services, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143.~~

(5) ~~(d)~~ If I have already been cited by MIOSHA for not following these rules, will my variance petition have any effect on the citation and penalty? No. **In** ~~, in~~ addition, the assistant secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an administrative law judge (ALJ), or the MIOSHA review commission.

(6) ~~(e)~~ If I receive a variance, may the assistant secretary revoke the variance at a later date? Yes, the assistant secretary may revoke your variance if he or she has good cause. The procedures revoking a variance will follow the same process as OSHA uses for reviewing variance petitions, as **provided outlined in subrule (3) of this rule.** ~~subdivision (b) of this subrule.~~ Except in cases of willfulness or where necessary for public safety, the assistant secretary will do both of the following:

(a) ~~(i)~~ Notify you in writing of the facts or conduct that may warrant revocation of your variance.

(b) ~~(ii)~~ Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

R 408.22139 Reporting **fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents** ~~fatalities and multiple hospitalization incidents~~ to MIOSHA.

Rule 1139. (1) ~~Basic requirement.~~ **Fatalities.** Within 8 hours after the death of any employee from a work-related incident ~~or the inpatient hospitalization of 3 or more employees as a result of a work-related incident,~~ you must orally report the **fatality by telephone to the MIOSHA toll-free central telephone number: 1-800-858-0397.** ~~fatality/multiple hospitalization by telephone or in person to the Michigan Department of Consumer and Industry Services, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan, phone 1-800-858-0397.~~

(2) **Hospitalizations, amputations, and losses of an eye.** Within 24 hours after the inpatient hospitalization of 1 or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the inpatient hospitalization, amputation, or loss of an eye to MIOSHA.

(3) You must report the inpatient hospitalization, amputation, or loss of an eye using 1 of the following methods:

(a) By telephone or in person to the MIOSHA office that is nearest to the site of the incident.

(b) By telephone to the MIOSHA toll-free central telephone number: 1-800-858-0397.

(c) By electronic submission using the reporting application located on MIOSHA's web site at [www.michigan.gov/miosha](http://www.michigan.gov/miosha).

~~(2) Implementation.~~

(4) ~~(a)~~ If the ~~MIOSHA-bureau~~ office is closed, may I report the **inpatient hospitalization, amputation, or loss of an eye** incident by leaving a message on MIOSHA's answering machine, faxing the bureau office, or sending an e-mail? ~~No, if No.~~ **If the MIOSHA office is closed, you must report the inpatient hospitalization, amputation, or loss of an eye using either the toll-free central telephone number: 1-800-858-0397 or the reporting application located on MIOSHA's web site at [www.michigan.gov/miosha](http://www.michigan.gov/miosha).** ~~you can't talk to a person at the bureau office, you must report the fatality or multiple hospitalization incident using the 800 number.~~

(5) ~~(b)~~ What information do I need to give to MIOSHA about the **fatality, inpatient hospitalization, amputation, or loss of an eye?** ~~incident?~~—You must give MIOSHA all of the following information for each **fatality, inpatient hospitalization, amputation, or loss of an eye:** ~~fatality or multiple hospitalization incident:~~

(a) ~~(i)~~ The establishment's name.

(b) ~~(ii)~~ The location of the **work-related** incident.

(c) ~~(iii)~~ The time of the **work-related** incident.

(d) ~~(iv)~~ The **type of reportable event, fatality, inpatient hospitalization, amputation, or loss of an eye.** ~~number of fatalities or hospitalized employees.~~

(e) **The number of employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye**

(f) ~~(v)~~ The names of **the employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye.** ~~any injured employees.~~

(g) ~~(vi)~~ Your contact person and his or her phone number.

(h) ~~(vii)~~ A brief description of the **work-related** incident.

(6) ~~(e)~~ Do I have to report **the fatality, inpatient hospitalization, amputation, or loss of an eye if it resulted** every ~~fatality or multiple hospitalization incident~~ resulting from a motor vehicle accident on a public street or highway? ~~accident?~~ **If the motor vehicle accident occurred in a construction work zone, you must report the fatality, inpatient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, inpatient hospitalization, amputation, or loss of an eye to MIOSHA. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be**

**recorded on your MIOSHA injury and illness records, if you are required to keep such records.** ~~Yes, you do have to report all of these incidents. If the motor vehicle accident occurs on a public street or highway, you do have to report the incident to MIOSHA. These injuries must be recorded on your MIOSHA injury and illness records, if you are required to keep such records.~~

(7) ~~(d)~~ **Do I have to report the fatality, inpatient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system?** ~~a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system?~~ **No. You do not have to report the fatality, inpatient hospitalization, amputation, or loss of an eye to MIOSHA if it occurred on a commercial or public transportation system, such as an airplane, a train, subway, or bus. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your MIOSHA injury and illness records, if you are required to keep these records.** ~~Yes, you do have to call MIOSHA to report a fatality or multiple hospitalization incident if it involves a commercial airplane, train, subway, or bus accident. These injuries must be recorded on your MIOSHA injury and illness records, if you are required to keep such records.~~

(8) ~~(e)~~ **Do I have to report a work-related fatality or inpatient hospitalization caused by a heart attack?** ~~attack at work?~~ **Yes, the Yes. The MIOSHA director will decide whether to investigate the incident, depending on the circumstances of the heart attack.**

(9) ~~(f)~~ **What if the fatality, inpatient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?** ~~Do I have to report a fatality or hospitalization that occurs long after the incident?~~ **You must report a fatality to MIOSHA only if the fatality occurs within 30 days of the work-related incident. For an inpatient hospitalization, amputation, or loss of an eye, you must report the event to MIOSHA only if it occurs within 24 hours of the work-related incident. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your MIOSHA injury and illness records, if you are required to keep these records. No, you must only report each fatality or multiple hospitalization incident that occurs within 30 days of an incident.**

(10) ~~(g)~~ **What if I don't learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye right away?** ~~an incident right away?~~ **If you do not learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye at the time it occurred, you must make the report to MIOSHA within the following time period after the fatality, inpatient hospitalization, amputation, or loss of an eye is reported to you or to any of your agents: 8 hours for a fatality, and 24 hours for an inpatient hospitalization, an amputation, or a loss of an eye. If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under subrules (1) and (2) of this rule, you must make the report within 8 hours of the time the incident is reported to you or to any of your agents or employees.**

(11) **What if I don't learn right away that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident?** **If you do not learn right away that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to MIOSHA within the following time period after you or any of your agents learn that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident: 8 hours for a fatality, and 24 hours for an inpatient hospitalization, an amputation, or a loss of an eye.**

(12) **How does MIOSHA define "inpatient hospitalization"?** **MIOSHA defines inpatient hospitalization as a formal admission to the inpatient service of a hospital or clinic for care or treatment.**

(13) **Do I have to report an inpatient hospitalization that involves only observation or diagnostic testing?** **No. You do not have to report an inpatient hospitalization that involves only observation**

or diagnostic testing. You must report to MIOSHA each inpatient hospitalization that involves care or treatment.

(14) How does MIOSHA define “amputation”? An amputation is the traumatic loss of a limb or other external body part. Amputation includes all of the following:

(a) A part, such as a limb or appendage, that has been severed, cut off, amputated, either completely or partially.

(b) Fingertip amputations with or without bone loss.

(c) Medical amputations resulting from irreparable damage.

(d) Amputations of body parts that have since been reattached.

Amputations do not include avulsions, enucleations, degloving, scalplings, severed ears, or broken or chipped teeth.

R 408.22151 Public employer petition for alternate record maintenance.

Rule 1151. A public employer who wishes to maintain records in a manner different from that required by this part shall submit a petition containing the information prescribed in R 408.22153 to the Department of **Licensing and Regulatory Affairs, MIOSHA, Consumer and Industry Services, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.**

R 408.22156 Notice of exception; publication.

Rule 1156. Notice that an exception has been granted as prescribed by this part shall be published in the MIOSHA News, a quarterly publication of the department of **licensing and regulatory affairs.** ~~consumer and industry services.~~ This notice may summarize the alternative to the rules involved which the particular exception permits.

R 408.22161 ~~Description of statistical program.~~ **Rescinded.**

Rule 1161. (1) ~~The department of consumer and industry services shall develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The program shall consist of periodic surveys of occupational injuries and illnesses. An employer covered by the act may be chosen to participate in the surveys.~~

(2) ~~The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within strata. Some industries shall be sampled more heavily than others depending on the injury rate level based on previous experience. The survey shall produce adequate estimates for most 4-digit standard industrial classification (SIC) industries in manufacturing and for 3-digit SIC classification in nonmanufacturing.~~

R 408.22162 ~~Duties of employer; submission of survey form.~~ **Rescinded.**

Rule 1162. ~~Upon receipt of an occupational injuries and illness survey form under R 408.22161, an employer shall promptly complete the form pursuant to the instructions contained in the form and return it in accordance with the instructions. Nothing in these rules shall affect the duties of employers to submit statistical report forms under this part.~~

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

WORKERS' COMPENSATION AGENCY

WORKERS' COMPENSATION HEALTH CARE SERVICES

Proposed Draft March 3, 2015

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State.

(By authority conferred on the workers' compensation agency by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, and 2011-4, MCL 418.205, 418.315, 24.233, 18.24, 418.1, 418.2, 445.2001, 445.2011, and 445.2030)

R 418.10904, R 418.10915, R 418.10922, R 418.10923, R 418.101007, R 418.101008, R 418.101015, and R 418.101208 of the Michigan Administrative Code are amended.

**PART 9. BILLING**

**SUBPART A. PRACTITIONER BILLING**

R 418.10904 Procedure codes and modifiers.

Rule 904. (1) A health care service shall be billed with procedure codes adopted from "Current Procedural Terminology (CPT®) 2014 Professional Edition" or "HCPCS 2014 Level II Professional Edition," as referenced in R 418.10107. Procedure codes from the CPT code set shall not be included in these rules, but shall be provided on the workers' compensation agency's website at [www.michigan.gov/wca](http://www.michigan.gov/wca). Refer to "Current Procedural Terminology (CPT®) 2014 Professional Edition," as referenced in R 418.10107, for standard billing instructions, except where otherwise noted in these rules. A provider billing services described with procedure codes from "HCPCS 2014 Level II Professional Edition" shall refer to the publication as adopted by reference in R 418.10107 for coding information.

(2) The following ancillary service providers shall bill codes from "HCPCS 2014 Level II Professional Edition," as adopted by reference in R 418.10107, to describe the ancillary services:

- (a) Ambulance providers.
- (b) Certified orthotists and prosthetists.
- (c) Medical suppliers, including expendable and durable equipment.
- (d) Hearing aid vendors and suppliers of prosthetic eye equipment.
- ~~(3)~~ (e) A home health agency.

~~(4)~~ (3) If a practitioner performs a procedure that cannot be described by 1 of the listed CPT or HCPCS procedure codes, then the practitioner shall bill the unlisted procedure code. An unlisted procedure code shall only be reimbursed when the service cannot be properly described with a listed code and the documentation supporting medical necessity includes all of the following:

- (a) Description of the service.

- (b) Documentation of the time, effort, and equipment necessary to provide the care.
- (c) Complexity of symptoms.
- (d) Pertinent physical findings.
- (e) Diagnosis.
- (f) Treatment plan.

~~(5)~~ (4) The provider shall add a modifier code, found in Appendix A of the CPT codebook as adopted by reference in R 418.10107, following the correct procedure code describing unusual circumstances arising in the treatment of a covered injury or illness. When a modifier code is applied to describe a procedure, a report describing the unusual circumstances shall be included with the charges submitted to the carrier.

~~(6)~~ (5) Applicable modifiers from table 10904 shall be added to the procedure code to describe the type of practitioner performing the service. The required modifier codes for describing the practitioner are as follows:

Table 10904 Modifier Codes

- AA Anesthesia services performed personally by anesthesiologist.
- AH When a licensed psychologist bills a diagnostic service or a therapeutic service, or both.
- AJ When a certified social worker bills a therapeutic service.
- AL A limited license psychologist billing a diagnostic service or a therapeutic service.
- CS When a limited licensed counselor bills for a therapeutic service.
- GF Non-physician (nurse practitioner, advanced practice nurse, or physician assistant) provides services in an office or clinic setting or in a hospital setting.
- LC When a licensed professional counselor performs a therapeutic service.
- MF When a licensed marriage and family therapist performs a therapeutic service.
- ML When a limited licensed marriage and family therapist performs a service.
- TC When billing for the technical component of a radiology service.
- QK When an anesthesiologist provides medical direction for not more than 4 qualified individuals being either certified registered nurse anesthetists, **certified anesthesiologist assistants**, or anesthesiology residents.
- QX When a certified registered nurse anesthetist **or certified anesthesiologist assistant** performs a service under the medical direction of an anesthesiologist.
- QZ When a certified registered nurse anesthetist performs anesthesia services without medical direction.

R 418.10915 Billing for anesthesia services.

Rule 915. (1) Anesthesia services shall consist of 2 components. The 2 components are base units and time units. Each anesthesia procedure code is assigned a value for reporting the base units. The base units for an anesthesia procedure shall be as specified in the publication entitled "Medicare RBRVS: The Physicians' Guide" as adopted by reference in R 418.10107. The anesthesia codes, base units, and instructions for billing the anesthesia service shall be published separate from these rules in the health care services manual.

(2) An anesthesia service may be administered by either an anesthesiologist, anesthesia resident, a certified registered nurse anesthetist, or a combination of a certified registered nurse anesthetist, **or a certified anesthesiologist assistant**, and a physician providing medical direction or supervision. When billing for both the anesthesiologist and a certified registered nurse anesthetist, **or a certified anesthesiologist assistant**, the anesthesia procedure code shall be listed on 2 lines of the CMS 1500 with the appropriate modifier on each line.

(3) One of the following modifiers shall be added to the anesthesia procedure code to determine the appropriate payment for the time units:

(a) Modifier -AA indicates the anesthesia service is administered by the anesthesiologist.

(b) Modifier -QK indicates the anesthesiologist has provided medical direction for a certified registered nurse anesthetist, CRNA, **certified anesthesiologist assistant (AA)**, or resident. The CRNA, **AA**, or resident may be employed by either a hospital, the anesthesiologist, or may be self-employed.

(c) Modifier -QX indicates the certified registered nurse anesthetist **or certified anesthesiologist assistant** has administered the procedure under the medical direction of the anesthesiologist.

(d) Modifier -QZ indicates the certified registered nurse anesthetist has administered the complete anesthesia service without medical direction of an anesthesiologist.

(4) Total anesthesia units shall be calculated by adding the anesthesia base units to the anesthesia time units.

(5) Anesthesia services may be administered by any of the following:

(a) A licensed doctor of dental surgery.

(b) A licensed doctor of medicine.

(c) A licensed doctor of osteopathy.

(d) A licensed doctor of podiatry.

(e) A certified registered nurse anesthetist.

(f) A licensed anesthesiology resident.

**(g) A certified anesthesiologist assistant.**

(6) If a surgeon provides the anesthesia service, the surgeon ~~will~~ **shall** only be reimbursed the base units for the anesthesia procedure.

(7) If a provider bills physical status modifiers, then documentation shall be included with the bill to support the additional risk factors. When billed, the physical status modifiers are assigned unit values as defined in the following **Anesthesiology Physical Status Modifiers Unit Value** table:

~~Anesthesiology Physical Status Modifiers Unit Value P1 A normal healthy patient. 0 P2 A patient who has a mild systemic disease. 0 P3 A patient who has a severe systemic disease. 1 P4 A patient who has a severe systemic disease that is a constant threat to life. 2 P5 A moribund patient who is expected not to survive without the operation. 3 P6 A declared brain-dead patient whose organs are being removed for donor purposes. 0~~

**P1: A normal healthy patient = 0**

**P2: A patient who has a mild systemic disease = 0**

**P3: A patient who has a severe systemic disease = 1**

**P4: A patient who has a severe systemic disease that is a constant threat to life = 2**

**P5: A moribund patient who is expected not to survive without the operation = 3**

**P6: A declared brain-dead patient whose organs are being removed for donor purposes.= 0**

(8) Procedure code 99140 shall be billed as an add-on procedure if an emergency condition, as defined in R 418.10108, complicates anesthesia. Procedure code 99140 shall be assigned 2 anesthesia units. Documentation supporting the emergency shall be attached to the bill.

(9) If a pre-anesthesia evaluation is performed and surgery is not subsequently performed, then the service shall be reported as an evaluation and management service.

R 418.10922 Hospital billing instructions.

Rule 922. (1) A hospital shall bill facility charges on the UB-04 national uniform billing

claim form and shall include revenue codes, ICD.-9.-CM coding, until ICD-10-CM is implemented, then ICD-10-CM coding, HCPCS codes, and CPT® procedure codes to identify the surgical, radiological, laboratory, medicine, and evaluation and management services. This rule only requires that the following medical records be attached when appropriate:

- (a) Emergency room report.
  - (b) The initial evaluation and progress reports every 30 days whenever physical medicine, speech, and hearing services are billed.
  - (c) The anesthesia record when billing for a CRNA, **certified anesthesiologist assistant**, or anesthesiologist.
- (2) A properly completed UB-04 shall not require attachment of medical records except for those in ~~sub-rule~~ **subrule** (1) of this rule to be considered for payment. Information required for reimbursement is included on the claim form. A carrier may request any additional records under R 418.10118.
- (3) If a hospital clinic, other than an industrial or occupational medicine clinic, bills under a hospital's federal employer identification number, then a hospital clinic facility service shall be identified by using revenue code 510 "clinic."
- (4) A hospital system-owned office practice shall bill services on the CMS 1500 claim form using the office site of service and shall not bill facility fees.
- (5) A hospital or hospital system-owned industrial or occupational clinic providing occupational health services shall bill services on the CMS 1500 claim form using the office site of service and shall not bill facility fees.

R 418.10923 Hospital billing for practitioner services.

Rule 923. (1) A hospital billing for practitioner services, including a certified registered nurse anesthetist, **a certified anesthesiologist assistant**, a physician, a nurse who has a specialty certification, and a physician's assistant, shall submit bills on a CMS 1500 form and the hospital shall use the appropriate procedure codes adopted by these rules. A hospital shall bill for professional services provided in the hospital clinic setting as practitioner services on a CMS 1500 form using outpatient hospital for the site of service. A hospital or hospital system-owned office practice shall bill all office services as practitioner services on a CMS 1500 form using office or clinic for the site of service. A hospital or hospital system-owned industrial or occupational clinic providing occupational health services for injured workers shall bill all clinic services as practitioner services on a CMS 1500 using office or clinic for the site of service. A hospital or hospital system-owned industrial or occupational clinic shall not use emergency department evaluation and management procedure codes. Radiology and laboratory services may be billed as facility services on the UB-04.

(2) A hospital billing for the professional component of a medical service, excluding physical medicine, occupational medicine, or speech and hearing services shall bill the service on a CMS 1500 claim form adding modifier -26 identifying the bill is for the professional component of the service. The bill shall indicate outpatient hospital for the site of service. The carrier shall pay the maximum allowable fee listed in the manual for the professional component of the procedure. If the professional component is not listed, then the carrier shall pay 40% of the maximum allowable fee.

(3) A hospital billing for a radiologist's or pathologist's services shall bill the professional component of the procedure on the CMS 1500 claim form and shall place modifier -26 after the appropriate procedure code to identify the professional component of the service. The carrier shall pay the maximum allowable fee listed in the manual for the professional component of the procedure. If the professional component is not listed, then the carrier shall pay 40% of the maximum allowable fee.

(4) A hospital billing for a certified registered nurse anesthetist **or certified anesthesiologist assistant** shall bill only time units of an anesthesiology procedure and use modifier -QX with the appropriate

anesthesia code, except **when billing for a certified registered nurse anesthetist** in the absence of medical direction from a supervising anesthesiologist.

#### PART 10. REIMBURSEMENT

##### SUBPART A. PRACTITIONER REIMBURSEMENT

###### R 418.101007 Reimbursement for anesthesia services.

Rule 1007. (1) The carrier shall determine the maximum allowable payment for anesthesia services by adding the base units to the time units. The carrier shall reimburse anesthesia services at either the maximum allowable payment, or the practitioner's usual and customary charge, whichever is less. Each anesthesia base unit shall be multiplied by \$42.00 to determine payment for the base procedure.

(2) Anesthesia base units shall only be paid to an anesthesiologist, a surgeon who provides the anesthesia and performs the surgery, or a certified registered nurse anesthetist providing anesthesia without medical direction of the anesthesiologist. Only 1 practitioner shall be reimbursed for base units, documented by the anesthesia record.

(3) The carrier shall reimburse the time units by the total minutes listed in the "days" or "units" column and the alpha modifier added to the procedure code. Time units are reimbursed in the following manner:

(a) Increments of 15 minutes or portions thereof, for administration of the anesthesia.

(b) Increments of 30 minutes or portions thereof, for supervision of a CRNA **or certified anesthesiologist assistant**.

(c) In no instance shall less than 1 time unit be reimbursed.

(4) The maximum allowable payment for anesthesia time shall be calculated in the following manner:

(a) If the anesthesiologist administers the anesthesia, then the modifier shall be -AA and the maximum payment shall be \$2.80 per minute.

(b) If the anesthesiologist supervises a CRNA **or certified anesthesiologist assistant**, then the modifier shall be QK and the maximum payment shall be \$1.40 per minute.

(c) If a CRNA **or a certified anesthesiologist assistant** supervised by an anesthesiologist administers the anesthesia, then the modifier shall be -QX and the maximum payment shall be \$2.80 per minute.

(d) If a CRNA administers without supervision of the anesthesiologist, then the modifier shall be -QZ and the maximum payment shall be \$2.80 per minute.

###### R 418.101008 Reimbursement for opioid treatment for chronic, non-cancer pain.

Rule 1008. (1) For purposes of these rules, chronic pain is pain unrelated to cancer or is incident to surgery and that persists beyond the period of expected healing after an acute injury episode. It is pain that persists beyond 90 days following the onset of the pain. The payer shall reimburse for opioids used in the treatment of chronic pain resulting from work-related conditions.

~~→~~ (2) This rule is applicable to opioid treatment of chronic pain for ~~either of the following:~~

(a) ~~For injury~~ **Injury** dates on or after ~~6 months following the effective date of these rules.~~ **June 26, 2015.**

(b) ~~For~~ **Beginning December 26, 2015, all other** injury dates. ~~prior to the effective date, 12 months following the effective date.~~

###### R 418.101015 General rules for facility reimbursement.

Rule 1015. (1) A facility licensed by ~~the this~~ state of Michigan shall receive the maximum allowable payment in accordance with these rules. The facility shall follow the process specified in these rules for resolving differences with a carrier regarding payment for the appropriate health care services rendered to an injured worker.

(2) The carrier or its designated agent shall assure that the UB-04 national uniform billing claim form is completed correctly before payment. A carrier's payment shall reflect any adjustments in the bill made through the carrier's utilization review program.

(3) A carrier shall pay, adjust, or reject a properly submitted bill within 30 days of receipt, sending notice on a form entitled "Carrier's Explanation of Benefits" in a format specified by the agency. The carrier shall reimburse the facility a 3% late fee if more than 30 days elapse between a carrier's receipt of a properly submitted bill and a carrier's mailing of the payment.

(4) Submission of a correctly completed UB-04 claim form shall be considered to be a properly submitted bill. The following medical records shall also be attached to the facility charges as applicable:

(a) Emergency room report.

(b) The initial evaluations and progress reports every 30 days whenever physical medicine, speech, and hearing services are billed by a facility.

(c) The anesthesia record whenever the facility bills for the services of a CRNA, **certified anesthesiologist assistant**, or anesthesiologist.

(5) Additional records not listed in subrule (4) of this rule may be requested by the carrier and shall be reimbursed in accordance with R 418.10118.

## PART 12. Carrier's professional health care review program

### R 418.101208 Renewal of certification.

Rule 1208. (1) A carrier or other entity shall apply to the workers' compensation agency for renewal of certification in the manner prescribed by the agency, submitting the application ~~6 months~~ **within 90 days prior to before** the expiration date on the certification.

(2) A carrier or other entity shall receive renewal of certification upon receipt of an updated description of its program as specified in R 418.101206.

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**NOTICE OF PUBLIC HEARING**

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MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

NOTICE OF PUBLIC HEARING  
**WORKERS' COMPENSATION AGENCY – HEALTH CARE SERVICES RULES**  
**April 10, 2015**  
**10:00 a.m.**  
**RULE SET # 2015-008 LR**

The Department of Licensing and Regulatory Affairs, Workers' Compensation Agency, will hold a public hearing on Friday, April 10, 2015, starting at 10:00 a.m. at the Department of Licensing and Regulatory Affairs, State Secondary Complex, General Office Building, 7150 Harris Drive, Dimondale, Michigan, in the offices of the Workers' Compensation Agency, First Floor, B-Wing. The hearing will be held to receive public comment on proposed amendments to the Workers' Compensation Health Care Services rules and fee schedule. The Health Care Services rules are revised in order to provide the Agency's external customers with updated health care fee schedules for reimbursement to providers for treatment of injured workers and to guide providers and payers on the scope of reimbursement. The following rules are amended: R 418.10904, R 418.10915, R 418.10922, R 418.10923, R 418.101007, R 418.101008, R 418.101015, and R 418.101208 of the Michigan Administrative Code.

These rules are promulgated by authority conferred on the Workers' Compensation Agency by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, and 2011-4, MCL 418.205, 418.315, 24.233, 18.24, 418.1, 418.2, 445.2001, 445.2011, and 445.2030. Rules adopted under these sections become effective immediately after filing with the Secretary of State.

Rule Set 2015-008 LR is published on the state of Michigan website at [http://www7.dleg.state.mi.us/orr/Files/ORR/1505\\_2015-008LR\\_orr-draft.pdf](http://www7.dleg.state.mi.us/orr/Files/ORR/1505_2015-008LR_orr-draft.pdf) and in the April 1, 2015 issue of the *Michigan Register*. A copy of the proposed rules may be obtained by contacting David Campbell at 517-322-1721 or email at [campbelld5@michigan.gov](mailto:campbelld5@michigan.gov).

Comments on the proposed rules may be presented in person at the public hearing. In addition, written comments will be accepted until 5:00 p.m. on April 10, 2015, at the following address or email:

Department of Licensing and Regulatory Affairs  
Workers' Compensation Agency-Health Care Services Division State Secondary Complex, First Floor,  
B-Wing  
7150 Harris Drive  
Dimondale, Michigan 48821 Email: [campbelld5@michigan.gov](mailto:campbelld5@michigan.gov)

The hearing site is accessible, including handicapped parking. Individuals attending the hearing are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations such as information in alternative formats in order to participate in the hearing should contact David Campbell at 517-322-1721 at least 5 days before the hearing.

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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*(a) Executive orders and executive reorganization orders.”*

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER**

**No. 2015 - 9**

**CREATION OF THE  
STATE SCHOOL REFORM/REDESIGN SCHOOL OFFICE**

**DEPARTMENT OF EDUCATION  
DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET**

**EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Section 1 of Article VIII of the Michigan Constitution of 1963 provides in part that schools and the means of education shall forever be encouraged; and

WHEREAS, Section 2 of Article VIII of the Michigan Constitution of 1963 provides in part that the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law; and

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963 vests leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, in the State Board of Education; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the economic success of our state is dependent on having an educated and skilled citizenry that begins with every student having a quality education that prepares them for career and college readiness and success; and

WHEREAS, the State School Reform/Redesign Officer and State School Reform/Redesign School District were created to advance dramatic improvement in Michigan's lowest achieving public schools, as defined under state law; and

WHEREAS, by September 1st of each year, the Superintendent of Public Instruction is required to publish a list identifying the public schools in this state that the Michigan Department of Education has determined to be among the lowest achieving 5% of all public schools in this state, as defined under state law; and

WHEREAS, except public schools under the supervision of an emergency manager, the Superintendent of Public Instruction is required to issue an order placing each public school included on the list under the supervision of the State School Reform/Redesign Officer, and the governing board of each identified public school is required to submit a redesign plan to the State School Reform/Redesign Officer implementing a school intervention model, as defined under state law; and

WHEREAS, if the State School Reform/Redesign Officer does not approve the redesign plan or determines that the redesign plan is not achieving satisfactory results, the State School Reform/Redesign Officer shall issue an order placing the public school in the State School Reform/Redesign School District, imposing for the public school implementation of a school intervention model, as defined under state law; and

WHEREAS, since the creation of the State School Reform Officer in 2010, the State School Reform/Redesign Officer has approved redesign plans for 212 public schools; and

WHEREAS, 54 public schools have operated under a redesign plan for more than 3 years; and

WHEREAS, despite not achieving satisfactory outcomes, the current structure has neither implemented the rigorous supports and processes needed to create positive academic outcomes nor placed any of the identified low achieving schools in the State School Reform/Redesign School District; and

WHEREAS, many schools continue to perform at levels that hamper the ability of students to receive an education that prepares them for career and college readiness and success; and

WHEREAS, the state's lowest performing schools are in the greatest need of rigorous support structures and interventions in order to prevent further academic decline; and

WHEREAS, there is an immediate need to bring together the necessary school improvement resources within this state and utilize all the necessary school improvement models and strategies available for schools, to ensure that all students are given the opportunity to success in the classroom;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

## **I. DEFINITIONS**

As used in this Order:

A. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

B. "Department of Technology, Management, and Budget" or "Department" means the principal department of state government created by Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed the Department of Technology, Management, and Budget under Executive Order 2009-55, MCL 18.441.

C. "State" means the state of Michigan.

D. "State Board of Education" means the board created under Section 3, Article VIII, of the Michigan Constitution of 1963.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and Executive Order 2009-55, MCL 18.441.

F. "State Budget Office" or "Office" means the office created under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

G. "State School Reform/Redesign School District" or "District" means the school district created under Section 1280c(6) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

H. “State School Reform/Redesign Office” means the office created within the Department of Technology, Management, and Budget under Section II of this Order.

I. “State School Reform/Redesign Officer” or “Officer” means the officer described in Section 1280c(9) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and authorized to act as the superintendent of the State School Reform/Redesign District under Section 1280c(6)(b) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

J. “Superintendent of Public Instruction” means the principal executive officer of the Department of Education required under Section 3, Article VIII, of the Michigan Constitution of 1963.

## **II. CREATION OF STATE SCHOOL REFORM/REDESIGN OFFICE**

A. The State School Reform/Redesign Office is created as an autonomous entity within the Department of Technology, Management, and Budget.

B. The Office shall exercise its statutory powers, duties, and functions, including but not limited to rule-making, licensing, and registration, including any prescription of rules, rates, regulations, and standards, and adjudication independently of the Director of the Department. All budgeting, procurement, and related management functions of the Office shall be performed under the direction and supervision of the Director of the Department.

C. The Director of the Department shall be the appointing authority for employees of the Office.

## **III. STATE SCHOOL REFORM/REDESIGN SCHOOL DISTRICT AND STATE SCHOOL REFORM/REDESIGN OFFICER**

A. The State School Reform/Redesign School District is transferred from the Department of Education to the State School Reform/Redesign Office.

B. The State School Reform/Redesign Officer is transferred from the Department of Education to the State School Reform/Redesign Office. The Officer shall be the head of the Office and shall carry out the functions vested in the Officer in this Order and as otherwise prescribed by law, including, but not limited to, acting as the superintendent of the State School Reform/Redesign District and performing functions and responsibilities vested in the State School Reform/Redesign Officer under Section 15(5) of 1947 PA 336, MCL 423.215. The authority to hire the Officer is transferred from the Superintendent of Public Instruction to the Director of the Department of Technology, Management, and Budget, who shall be the appointing authority for the Officer. The Officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The Officer shall be exempt from and not within the classified state civil service. The Department of Technology, Management, and Budget shall request the Civil Service Commission to establish the Officer’s position as an exempt position of a policy-making nature within the Department.

C. All authority, powers, duties, functions, and responsibilities of the Department of Education under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, are transferred to the State School Reform/Redesign Office, including, but not limited to, all of the following authority, powers, duties, functions, and responsibilities:

1. Determining under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c(1), which public schools in this state are among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

2. Posting on a website the federal work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, known as the “race to the top” grant program and

a list of public schools in this state that have been identified for these purposes as being among the lowest achieving 5% of all public schools in this state, and updating the list as considered appropriate under Section 1280c(15) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

3. Except as prohibited by federal law, administration of any federal waivers granted by the United States Department of Education relating to the authority, powers, duties, functions, and responsibilities of the Department of Education, relating to the District, or the Officer under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

D. Except as provided in Section III.E, all authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, and Section 15(6) of 1947 PA 336, MCL 423.215, are transferred to the State School Reform/Redesign Office, including, but not limited to, all of the following authority, powers, duties functions, and responsibilities::

1. Publication of a list identifying the public schools in this state that are determined to be among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

2. Issuance of orders placing each school that is included on the list under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c, under the supervision of the State School Reform/Redesign Officer.

3. Appointing a chief executive officer to take control over multiple public schools and directing the chief executive officer to exercise other powers or duties over the public schools under Section 1280c(7) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and powers or duties under Section 15(5) of 1947 PA 336, MCL 423.215.

4. Releasing a public school from measures imposed under Section 1280c(6) or 1280c(7) of the Revised School Code, 1976 PA 451, MCL 380.1280c, under section 1280c(13) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

5. Except as prohibited by federal law, administration of any federal waivers granted by the United States Department of Education relating to the authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction relating to the District or the Officer under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

E. The Superintendent of Public Instruction shall retain the authority, powers, duties, functions, and responsibilities to hear and decide appeals from a school board or a board of directors under Section 1280c(4) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

F. All of the following authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction are transferred to the State School Reform/Redesign Office:

1. Determining that a public school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 507 of the Revised School Code, 1976 PA 451, MCL 380.507, and notifying the public school academy's authorizing body under Section 507(5) of the Revised School Code, 1976 PA 451, MCL 380.507, of that determination.

2. Determining that an urban high school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 528 of the Revised School Code, 1976 PA 451, MCL 380.528, and notifying the urban high school academy's authorizing body under Section 528(5) of the Revised School Code, 1976 PA 451, MCL 380.528, of that determination.

3. Determining that a school of excellence serving a special student population that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, and notifying the school of excellence's authorizing body under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, of that determination.

#### **IV. IMPLEMENTATION**

A. Nothing in this Order should be construed to diminish the role of the State Board of Education under Section 3 of Article VIII of the State Constitution of 1963 in providing leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, including higher education, or to advise the Legislature as to the financial requirements in connection therewith.

B. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the State School Reform/Redesign School Office for the authority, powers, duties, functions, and responsibilities transferred under this Order are transferred to Office.

C. The State School Reform/Redesign Officer shall administer functions and responsibilities assigned under this Order in such a way as to promote efficient administration. The Director of the Department of Technology, Management, and Budget and the State School Reform/Redesign Officer shall make internal organizational changes as may be administratively necessary to complete the realignment of functions and responsibilities by this Order pursuant to MCL 16.107.

D. The Director of the Department of Technology, Management, and Budget shall provide executive direction and supervision for the implementation of the transfers under this Order.

E. The Director of the Department of Technology, Management, and Budget and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfers under this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

F. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

G. All rules, orders, contracts, plans, and agreements relating to the functions and responsibilities transferred by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

H. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective on 60 days after the filing of this Order.

Given under my hand and the Great Seal of the state of Michigan this \_\_\_\_\_ day of March, in the Year of our Lord Two Thousand Fifteen.

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RICHARD D. SNYDER  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**OTHER OFFICIAL INFORMATION**

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*MCL 24.208 states in part:*

*Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*\* \* \**

*(i) Other official information considered necessary or appropriate by the office of regulatory reinvention.*

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**OTHER OFFICIAL INFORMATION**

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February 23, 2015

Mr. Kevin Elsenheimer  
Office of Regulatory Reinvention Ottawa Building- 2nd Floor  
611 Ottawa St  
Lansing, MI 48933 Dear Mr. Elsenheimer:

The rules promulgated under 1976 PA 440, the Living Care Disclosure Act, relating to the regulation of the offer and sale of life estates, life leases, and long-term leases in nursing homes, retirement homes, homes for the aged, and foster care facilities, has been rendered obsolete by 2014 PA 448, which repealed 1976 PA 440, the Living Care Disclosures Act.

The Department of Licensing and Regulatory Affairs is writing the Office of Regulatory Reinvention to request corrections to the Administrative Code be made, pursuant to the Administrative Procedures Act, Section 31(2), MCL 24.231 and, Section 56(1), MCL 24.256.

We request the following administrative rules be rescinded, effective April 2, 2015:

- Securities- Living Care, (R 554.1- R 554.71).

If you have any questions, please contact me at 517-241-9223.

Sincerely,

Director  
Corporations, Securities &  
Commercial Licensing Bureau

cc: Liz Arasim, OPLA

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**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2015 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

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**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2015 RULE FILINGS)**

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38.22	R	1	38.1673	R	1	225.10	R	1
38.23	R	1	38.1674	R	1	247.351	R	1
38.24	R	1	38.1675	R	1	247.403	R	1
38.25	R	1	38.1676	R	1	247.404	R	1
38.28	R	1	38.1677	R	1	247.405	R	1
38.71	R	1	38.1678	R	1	247.406	R	1
38.72	R	1	38.1679	R	1	247.741	R	1
38.73	R	1	38.1680	R	1	247.742	R	1
38.74	R	1	38.1681	R	1	247.748	R	1
38.75	R	1	38.1682	R	1	281.811	*	5
38.76	R	1	38.1683	R	1	285.900.1	R	3
38.77	R	1	38.1684	R	1	299.4101	*	5
38.78	R	1	38.1685	R	1	299.4102	*	5
38.79	R	1	38.1686	R	1	299.4103	*	5
38.80	R	1	38.2171	R	1	299.4104	*	5
38.81	R	1	38.2172	R	1	299.4105	*	5
38.82	R	1	38.2173	R	1	299.4106a	*	5
38.83	R	1	38.2174	R	1	299.4110	*	5
38.84	R	1	38.2175	R	1	299.4111	*	5
38.85	R	1	38.2176	R	1	299.4117	*	5
38.86	R	1	38.2177	R	1	299.4121	*	5
38.1371	R	1	38.2178	R	1	299.4128	*	5
38.1372	R	1	38.2179	R	1	299.4201	*	5
38.1373	R	1	38.2180	R	1	299.4203	*	5
38.1374	R	1	38.2181	R	1	299.4302	*	5
38.1375	R	1	38.2182	R	1	299.4307	*	5
38.1376	R	1	38.2183	R	1	299.4318	*	5
38.1377	R	1	38.2184	R	1	299.4420	*	5
38.1378	R	1	38.2185	R	1	299.4428	*	5
38.1379	R	1	38.2186	R	1	299.4430	*	5
38.1380	R	1	225.1	R	1	299.4440	*	5
38.1381	R	1	225.2	R	1	299.4701	*	5
38.1382	R	1	225.3	R	1	299.4702	*	5
38.1383	R	1	225.4	R	1	299.4703	*	5
38.1384	R	1	225.5	R	1	299.4706	*	5
38.1385	R	1	225.6	R	1	299.4707	*	5
38.1386	R	1	225.7	R	1	299.4708	*	5
38.1671	R	1	225.8	R	1	299.4709	*	5
38.1672	R	1	225.9	R	1	299.4710	*	5

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
299.4711	*	5	324.130	*	5	324.1405	A	5
299.4712	*	5	324.201	*	5	324.1406	A	5
299.4806	*	5	324.202	*	5	325.9571	R	1
299.4118a	A	5	324.203	*	5	325.9572	R	1
324.1	R	1	324.206	*	5	325.9573	R	1
324.2	R	1	324.210	*	5	325.9574	R	1
324.3	R	1	324.301	*	5	325.9575	R	1
324.21	R	1	324.302	*	5	325.9576	R	1
324.23	R	1	324.303	*	5	325.9577	R	1
324.24	R	1	324.407	*	5	325.9578	R	1
324.31	R	1	324.411	*	5	325.9579	R	1
324.32	R	1	324.102	*	5	325.9580	R	1
324.33	R	1	324.130	*	5	325.9581	R	1
324.41	R	1	324.201	*	5	325.9582	R	1
324.42	R	1	324.202	*	5	325.22346	R	1
324.43	R	1	324.203	*	5	325.22347	R	1
324.51	R	1	324.206	*	5	325.22348	R	1
324.52	R	1	324.210	*	5	325.22349	R	1
324.53	R	1	324.301	*	5	325.22350	R	1
324.54	R	1	324.302	*	5	325.22351	R	1
324.55	R	1	324.303	*	5	325.22352	R	1
324.56	R	1	324.407	*	5	325.22353	R	1
324.57	R	1	324.411	*	5	325.22354	R	1
324.58	R	1	324.413	*	5	325.22355	R	1
324.59	R	1	324.418	*	5	325.22356	R	1
324.59a	R	1	324.503	*	5	325.22357	R	1
324.59b	R	1	324.511	*	5	325.22358	R	1
324.59c	R	1	324.613	*	5	325.22359	R	1
324.59d	R	1	324.705	*	5	325.22360	R	1
324.59e	R	1	324.801	*	5	325.22361	R	1
324.61	R	1	324.1015	*	5	325.22362	R	1
324.62	R	1	324.1103	*	5	325.47401	A	4
324.63	R	1	324.1202	*	5	325.47403	A	4
324.64	R	1	324.1204	*	5	325.47405	A	4
324.65	R	1	324.1206	*	5	325.47407	A	4
324.71	R	1	324.1401	A	5	325.47408	A	4
324.72	R	1	324.1402	A	5	325.47409	A	4
324.75	R	1	324.1403	A	5	325.47410	A	4
324.102	*	5	324.1404	A	5	325.47411	A	4

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.47414	A	4	325.51519	*	4	325.51932	*	4
325.47415	A	4	325.51520	*	4	325.51933	*	4
325.47416	A	4	325.51521	*	4	325.51934	*	4
325.47417	A	4	325.51522	*	4	325.51935	*	4
325.47418	A	4	325.51523	*	4	325.51936	*	4
325.47419	A	4	325.51524	*	4	325.51937	*	4
325.47420	A	4	325.51525	*	4	325.51938	*	4
325.47424	A	4	325.51526	*	4	325.51938a	*	4
325.47425	A	4	325.51501a	A	4	325.51939	*	4
OHR 4201	R	4	325.51519a	A	4	325.51940	*	4
OHR 4202	R	4	325.51504	R	4	325.51941	*	4
325.51152	*	4	325.51527	R	4	325.51943	*	4
325.51156	*	4	325.51902	*	4	325.51944	*	4
325.51158	*	4	325.51903	*	4	325.51945	*	4
325.51162	*	4	325.51904	*	4	325.51946	*	4
325.51163	*	4	325.51905	*	4	325.51947	*	4
325.51164	*	4	325.51906	*	4	325.51948	*	4
325.51166	*	4	325.51907	*	4	325.51949	*	4
325.51167	*	4	325.51908	*	4	325.51950	*	4
325.51169	*	4	325.51909	*	4	325.51950a	*	4
325.51172	*	4	325.51910	*	4	325.51950b	*	4
325.51173	*	4	325.51912	*	4	325.51951	*	4
325.51174	*	4	325.51913	*	4	325.51952	*	4
325.51175	*	4	325.51914	*	4	325.51953	*	4
325.51151a	A	4	325.51915	*	4	325.51955	*	4
325.51156a	A	4	325.51916a	*	4	325.51956	*	4
325.51168a	A	4	325.51916b	*	4	325.51957	*	4
325.51177	R	4	325.51917	*	4	325.51902a	A	4
325.51501	*	4	325.51918	*	4	325.51924a	A	4
325.51502	*	4	325.51922	*	4	325.51921	R	4
325.51505	*	4	325.51923	*	4	325.51958	R	4
325.51507	*	4	325.51924	*	4	333.101	*	1
325.51508	*	4	325.51925	*	4	333.103	*	1
325.51509	*	4	325.51926	*	4	333.105	*	1
325.51510	*	4	325.51928	*	4	333.109	*	1
325.51511	*	4	325.51929	*	4	333.111	*	1
325.51513	*	4	325.51930	*	4	333.113	*	1
325.51516	*	4	325.51931	*	4	333.117	*	1
325.51517	*	4	325.51931a	*	4	333.119	*	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
333.123	*	1	338.30310	R	5	390.1251	R	1
333.125	*	1	339.1701	R	1	400.901	R	1
333.131	*	1	339.1705	R	1	400.902	R	1
333.133	*	1	339.1709	R	1	400.903	R	1
333.126	A	1	339.1713	R	1	400.905	R	1
333.107	R	1	339.1721	R	1	400.906	R	1
333.121	R	1	339.1741	R	1	400.907	R	1
333.127	R	1	339.1743	R	1	400.908	R	1
338.1601	R	1	339.1745	R	1	400.909	R	1
338.1602	R	1	339.1747	R	1	400.910	R	1
338.1610	R	1	339.1751	R	1	400.911	R	1
338.1611	R	1	339.1755	R	1	400.912	R	1
338.1614	R	1	339.1757	R	1	400.913	R	1
338.1616	R	1	339.1759	R	1	400.914	R	1
338.1617	R	1	339.1761	R	1	400.915	R	1
338.1618	R	1	339.1763	R	1	400.916	R	1
338.1619	R	1	339.1765	R	1	400.917	R	1
338.1620	R	1	339.1767	R	1	400.918	R	1
338.1621	R	1	339.1771	R	1	400.919	R	1
338.1622	R	1	339.23102	*	5	400.920	R	1
338.1623	R	1	339.23403	*	5	400.921	R	1
338.1624	R	1	340.1883	R	1	400.922	R	1
338.1625	R	1	340.1884	R	1	400.941	R	1
338.1626	R	1	340.1885	R	1	400.3401	R	1
338.1627	R	1	380.126	R	1	400.3403	R	1
338.1628	R	1	380.127	R	1	400.3409	R	1
338.1629	R	1	380.128	R	1	400.3410	R	1
338.1633	R	1	380.129	R	1	400.3411	R	1
338.1634	R	1	380.132	R	1	400.3412	R	1
338.1635	R	1	380.133	R	1	400.3413	R	1
338.1636	R	1	380.134	R	1	400.3414	R	1
338.1637	R	1	390.1202	R	1	400.3415	R	1
338.3001	R	5	390.1206	R	1	400.3416	R	1
338.3002	R	5	390.1207	R	1	400.3417	R	1
338.3003	R	5	390.1209	R	1	400.3418	R	1
338.3004	R	5	390.1210	R	1	400.3419	R	1
338.3005	R	5	390.1212	R	1	400.3420	R	1
338.3006	R	5	390.1213	R	1	400.3421	R	1
338.3007	R	5	390.1214	R	1	400.3422	R	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.3423	R	1	408.40709	*	4	421.1205	R	1
408.6203	R	5	408.40713	*	4	421.1206	R	1
408.6204	R	5	408.40721	*	4	421.1207	R	1
408.6206	R	5	408.40722	*	4	421.1208	R	1
408.6208	R	5	408.40723	*	4	421.1209	R	1
408.6209	R	5	408.40731	*	4	421.1210	R	1
408.6301	R	5	408.40751	*	4	421.1211	R	1
408.22951	R	1	408.40761	*	4	421.1212	R	1
408.22952	R	1	408.40762	*	4	421.1213	R	1
408.22953	R	1	418.1	R	1	421.1214	R	1
408.22954	R	1	418.2	R	1	421.1301	R	1
408.22955	R	1	418.3	R	1	421.1302	R	1
408.22956	R	1	418.4	R	1	421.1304	R	1
408.22957	R	1	418.5	R	1	421.1305	R	1
408.22958	R	1	418.6	R	1	421.1306	R	1
408.22959	R	1	418.7	R	1	421.1307	R	1
408.22960	R	1	418.8	R	1	421.1308	R	1
408.22961	R	1	418.51	R	1	421.1309	R	1
408.22962	R	1	418.52	R	1	421.1310	R	1
408.22963	R	1	418.53	R	1	421.1311	R	1
408.22964	R	1	418.54	R	1	421.1313	R	1
408.22965	R	1	418.55	R	1	421.1314	R	1
408.22966	R	1	418.56	R	1	421.1315	R	1
408.22967	R	1	418.57	R	1	421.1316	R	1
408.22968	R	1	418.58	R	1	421.1317	R	1
408.22969	R	1	421.1101	R	1	460.17101	R	1
408.22970	R	1	421.1102	R	1	460.17103	R	1
408.22971	R	1	421.1103	R	1	460.17105	R	1
408.40115	*	4	421.1104	R	1	460.17107	R	1
408.40120	*	4	421.1105	R	1	460.17109	R	1
408.40121	*	4	421.1106	R	1	460.17111	R	1
408.40122	*	4	421.1107	R	1	460.17113	R	1
408.40123	*	4	421.1108	R	1	460.17115	R	1
408.40128	*	4	421.1109	R	1	460.17201	R	1
408.40130	*	4	421.1110	R	1	460.17203	R	1
408.40131	*	4	421.1201	R	1	460.17205	R	1
408.40132	*	4	421.1202	R	1	460.17207	R	1
408.40133	*	4	421.1203	R	1	460.17209	R	1
408.40105	A	4	421.1204	R	1	460.17301	R	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
460.17303	R	1	500.2111	R	1	792.10111	A	1
460.17305	R	1	500.2112	R	1	792.10112	A	1
460.17307	R	1	500.2113	R	1	792.10113	A	1
460.17309	R	1	500.2114	R	1	792.10114	A	1
460.17311	R	1	500.2115	R	1	792.10115	A	1
460.17313	R	1	500.2116	R	1	792.10116	A	1
460.17315	R	1	500.2117	R	1	792.10117	A	1
460.17317	R	1	500.2118	R	1	792.10118	A	1
460.17319	R	1	500.2119	R	1	792.10119	A	1
460.17321	R	1	500.2120	R	1	792.10120	A	1
460.17323	R	1	500.2121	R	1	792.10121	A	1
460.17325	R	1	500.2122	R	1	792.10122	A	1
460.17327	R	1	500.2123	R	1	792.10123	A	1
460.17329	R	1	500.2124	R	1	792.10124	A	1
460.17331	R	1	500.2125	R	1	792.10125	A	1
460.17333	R	1	500.2126	R	1	792.10126	A	1
460.17335	R	1	500.2127	R	1	792.10128	A	1
460.17337	R	1	500.2128	R	1	792.10129	A	1
460.17339	R	1	500.2129	R	1	792.10130	A	1
460.17341	R	1	500.2130	R	1	792.10131	A	1
460.17401	R	1	500.2131	R	1	792.10132	A	1
460.17403	R	1	500.2134	R	1	792.10133	A	1
460.17405	R	1	500.2136	R	1	792.10134	A	1
460.17501	R	1	500.2137	R	1	792.10135	A	1
460.17503	R	1	500.2138	R	1	792.10136	A	1
460.17505	R	1	791.3301	R	1	792.10137	A	1
460.17507	R	1	791.3305	R	1	792.10201	*	1
460.17509	R	1	791.3310	R	1	792.10203	*	1
460.17511	R	1	791.3315	R	1	792.10205	*	1
460.17513	R	1	792.10101	A	1	792.10207	*	1
460.17515	R	1	792.10102	A	1	792.10209	*	1
460.17601	R	1	792.10103	A	1	792.10211	*	1
460.17701	R	1	792.10104	A	1	792.10213	*	1
500.2101	R	1	792.10105	A	1	792.10215	*	1
500.2105	R	1	792.10106	A	1	792.10219	*	1
500.2106	R	1	792.10107	A	1	792.10221	*	1
500.2107	R	1	792.10108	A	1	792.10223	*	1
500.2109	R	1	792.10109	A	1	792.10225	*	1
500.2110	R	1	792.10110	A	1	792.10227	*	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10229	*	1	792.10409	A	1	792.10448	A	1
792.10231	*	1	792.10410	A	1	792.10501	A	1
792.10233	*	1	792.10411	A	1	792.10502	A	1
792.10237	*	1	792.10412	A	1	792.10503	A	1
792.10239	*	1	792.10413	A	1	792.10504	A	1
792.10241	*	1	792.10414	A	1	792.10505	A	1
792.10243	*	1	792.10415	A	1	792.10506	A	1
792.10247	*	1	792.10416	A	1	792.10507	A	1
792.10251	*	1	792.10417	A	1	792.10508	A	1
792.10253	*	1	792.10418	A	1	792.10509	A	1
792.10255	*	1	792.10419	A	1	792.10510	A	1
792.10257	*	1	792.10420	A	1	792.10511	A	1
792.10259	*	1	792.10421	A	1	792.10512	A	1
792.10261	*	1	792.10422	A	1	792.10601	A	1
792.10263	*	1	792.10423	A	1	792.10602	A	1
792.10265	*	1	792.10424	A	1	792.10603	A	1
792.10269	*	1	792.10425	A	1	792.10604	A	1
792.10271	*	1	792.10426	A	1	792.10605	A	1
792.10273	*	1	792.10427	A	1	792.10606	A	1
792.10275	*	1	792.10428	A	1	792.10607	A	1
792.10277	*	1	792.10429	A	1	792.10608	A	1
792.10279	*	1	792.10430	A	1	792.10609	A	1
792.10283	*	1	792.10431	A	1	792.10701	A	1
792.10287	*	1	792.10432	A	1	792.10702	A	1
792.10289	*	1	792.10433	A	1	792.10703	A	1
792.10301	A	1	792.10434	A	1	792.10704	A	1
792.10302	A	1	792.10435	A	1	792.10705	A	1
792.10303	A	1	792.10436	A	1	792.10706	A	1
792.10304	A	1	792.10437	A	1	792.10707	A	1
792.10305	A	1	792.10438	A	1	792.10708	A	1
792.10306	A	1	792.10439	A	1	792.10709	A	1
792.10401	A	1	792.10440	A	1	792.10710	A	1
792.10402	A	1	792.10441	A	1	792.10711	A	1
792.10403	A	1	792.10442	A	1	792.10712	A	1
792.10404	A	1	792.10443	A	1	792.10713	A	1
792.10405	A	1	792.10444	A	1	792.10714	A	1
792.10406	A	1	792.10445	A	1	792.10715	A	1
792.10407	A	1	792.10446	A	1	792.10801	A	1
792.10408	A	1	792.10447	A	1	792.10802	A	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

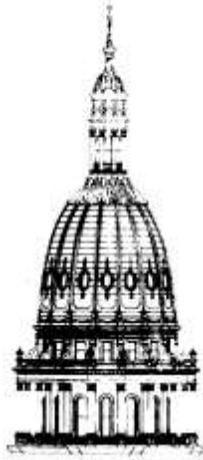
R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10803	A	1	792.11021	A	1	792.11307	A	1
792.10804	A	1	792.11022	A	1	792.11309	A	1
792.10805	A	1	792.11023	A	1	792.11310	A	1
792.10806	A	1	792.11024	A	1	792.11311	A	1
792.10807	A	1	792.11025	A	1	792.11312	A	1
792.10808	A	1	792.11026	A	1	792.11313	A	1
792.10809	A	1	792.11027	A	1	792.11314	A	1
792.10901	A	1	792.11101	A	1	792.11315	A	1
792.10902	A	1	792.11102	A	1	792.11316	A	1
792.10903	A	1	792.11103	A	1	792.11317	A	1
792.10904	A	1	792.11104	A	1	792.11318	A	1
792.10905	A	1	792.11105	A	1	792.11319	A	1
792.10906	A	1	792.11106	A	1	792.11320	A	1
792.10907	A	1	792.11107	A	1	792.11321	A	1
792.10908	A	1	792.11108	A	1	792.11401	A	1
792.10909	A	1	792.11109	A	1	792.11402	A	1
792.10910	A	1	792.11110	A	1	792.11403	A	1
792.10911	A	1	792.11111	A	1	792.11404	A	1
792.10912	A	1	792.11112	A	1	792.11405	A	1
792.11001	A	1	792.11113	A	1	792.11406	A	1
792.11002	A	1	792.11114	A	1	792.11407	A	1
792.11003	A	1	792.11115	A	1	792.11408	A	1
792.11004	A	1	792.11116	A	1	792.11409	A	1
792.11005	A	1	792.11117	A	1	792.11410	A	1
792.11006	A	1	792.11118	A	1	792.11411	A	1
792.11007	A	1	792.11201	A	1	792.11412	A	1
792.11008	A	1	792.11202	A	1	792.11413	A	1
792.11009	A	1	792.11203	A	1	792.11414	A	1
792.11010	A	1	792.11204	A	1	792.11415	A	1
792.11011	A	1	792.11205	A	1	792.11416	A	1
792.11012	A	1	792.11206	A	1	792.11417	A	1
792.11013	A	1	792.11207	A	1	792.11418	A	1
792.11014	A	1	792.11208	A	1	792.11419	A	1
792.11015	A	1	792.11301	A	1	792.11420	A	1
792.11016	A	1	792.11302	A	1	792.11421	A	1
792.11017	A	1	792.11303	A	1	792.11422	A	1
792.11018	A	1	792.11304	A	1	792.11423	A	1
792.11019	A	1	792.11305	A	1	792.11424	A	1
792.11020	A	1	792.11306	A	1	792.11425	A	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 5 – April 1, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.11426	A	1	792.11704	A	1
792.11427	A	1	792.11705	A	1
792.11428	A	1	792.11706	A	1
792.11429	A	1	792.11707	A	1
792.11430	A	1	792.11708	A	1
792.11431	A	1	792.11709	A	1
792.11432	A	1	792.11801	A	1
792.11433	A	1	792.11802	A	1
792.11501	A	1	792.11803	A	1
792.11502	A	1	792.11901	A	1
792.11503	A	1	792.11902	A	1
792.11504	A	1	792.11903	A	1
792.11505	A	1			
792.11506	A	1			
792.11507	A	1			
792.11508	A	1			
792.11509	A	1			
792.11510	A	1			
792.11511	A	1			
792.11512	A	1			
792.11513	A	1			
792.11514	A	1			
792.11515	A	1			
792.11516	A	1			
792.11517	A	1			
792.11601	A	1			
792.11602	A	1			
792.11603	A	1			
792.11604	A	1			
792.11605	A	1			
792.11606	A	1			
792.11607	A	1			
792.11608	A	1			
792.11609	A	1			
792.11610	A	1			
792.11611	A	1			
792.11701	A	1			
792.11702	A	1			
792.11703	A	1			

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES  
ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2014 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

# 2015 Michigan Public Acts Table

Legislative Service Bureau  
Legal Division, Statutory Compiling and Law Publications Unit  
124 W. Allegan, Lansing, MI 48909

March 24, 2015  
Through PA 7 of 2015

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1		0044	Yes	2/19	2/20	5/21/15 #	<b>Elections; primary</b> ; presidential primary election date; revise. <b>(Sen. D. Robertson)</b>
2		0045	Yes	2/19	2/20	5/21/15 #	<b>Elections; primary</b> ; presidential primary election date; revise. <b>(Sen. D. Robertson)</b>
3		0034	Yes	3/4	3/4	3/4/15	<b>Weapons; licensing</b> ; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks. <b>(Sen. M. Green)</b>
4		0035	Yes	3/4	3/4	10/1/15 #	<b>Criminal procedure; sentencing guidelines</b> ; reference in sentencing guidelines; update. <b>(Sen. M. Green)</b>
5	4110		Yes	3/10	3/10	3/10/15	<b>Appropriations; supplemental</b> ; omnibus school aid supplemental adjusting certain appropriations and fund sources; provide for. <b>(Rep. A. Pscholka)</b>
6	4112		Yes	3/10	3/10	3/10/15	<b>Appropriations; zero budget</b> ; supplemental appropriations; provide for fiscal year 2014-2015. <b>(Rep. A. Pscholka)</b>
7	4078		Yes	3/17	3/17	3/17/15	<b>Appropriations; capital outlay</b> ; Michigan natural resources trust fund; provide appropriations. <b>(Rep. J. Bumstead)</b>

- \* - I.E. means Legislature voted to give the Act immediate effect.
- \*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.
- \*\*\* - See Act for applicable effective date.
- + - Line item veto.
- ++ - Pocket veto.
- # - Tie bar.