



REMEDIATION AND REDEVELOPMENT DIVISION POLICY AND PROCEDURE

RRD-26 – Part 213 Final Assessment Report and Closure Report Audit Procedure

Effective Date: March 21, 2025

ISSUE

Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 213) establishes the standards for cleanups of property contaminated by releases from leaking underground storage tanks (LUST). In general, Part 213 and the ASTM International standards referenced in Part 213 are applied at properties affected by LUST releases to: determine the extent of the release and the media involved (soil, groundwater, surface water, air); identify any unacceptable risks to human health and the environment that may be present as a result of the release; and provide for the analysis and selection of corrective action options to be implemented to reliably mitigate the identified unacceptable risks.

Two of the reports required to be submitted under Part 213, the Final Assessment Report (FAR) and the Closure Report (CR), are subject to audit by EGLE. A FAR must contain: the results of site investigations (identification of the contaminants, and their location and concentrations); identification of the potential receptors that may be exposed to the contamination; identification of the unacceptable risks for current use and potential future use presented by the contamination; and a corrective action plan describing how the unacceptable risks will be addressed. A CR is submitted, following completion of the corrective actions described in the FAR, to document that risks have been reduced to an acceptable level or potential exposures to site contaminants have been reliably mitigated or managed.

Section 21315 of Part 213 provides that EGLE may selectively audit FARs and CRs for the purpose of approving, approving with conditions, denying, or deciding that there is insufficient information in the report to make a determination. The primary purpose of an EGLE audit is to ensure that the actions and decisions documented in a FAR or CR follow the ASTM Risk-Based Corrective Action (RBCA) processes incorporated by reference in Part 213, comply with the other requirements of Part 213, and are consistent with accepted scientific principles. From a practical viewpoint, an audit is the review of available information, documentation, activities, and reports for the purpose of verifying the information contained within a FAR or CR and ensuring compliance with applicable laws and standards. Appendix A provides a flowchart representation of the general steps of the audit process.

The purpose of this policy is to provide guidance to Remediation and Redevelopment Division (RRD) staff on the steps involved in conducting an audit of a FAR or CR, from the time the report is received by a project manager through the time an audit decision is made, documented, and conveyed to the submitters. There are no prescribed procedures or methods in Part 213 to accomplish these tasks. This policy does not address appeals to the response activity review panel or contested case hearing petitions that may result in response to the EGLE audit determination. If an audit determination is appealed, refer to the appropriate Compliance and Enforcement process.

STAKEHOLDER INVOLVEMENT

Review and comments on the 2015 amendments to Part 213 were taken into consideration during the original development of this policy.

DEFINITIONS

All applicable terms are the same as those defined in Part 213.

Acronyms

ASTM	ASTM International, formerly known as American Society for Testing and Materials
CR	Closure Report
CSM	Conceptual Site Model
FM	Field Manager
FAR	Final Assessment Report
LUST	Leaking Underground Storage Tank
EGLE	Department of Environment, Great Lakes, and Energy
MDOT	Michigan Department of Transportation
NAPL	Nonaqueous-phase liquid
NREPA	Natural Resources and Environmental Protection Act
O/O	Owner/Operator
PM	Project Manager
QC	Qualified Consultant
RBCA	Risk-Based Corrective Action
RIDE	Remediation Information Data Exchange
RRD	Remediation and Redevelopment Division
TAPS	Technical Assistance and Program Support Teams

POLICY

The RRD will follow the procedures detailed below to select for audit and audit a FAR or CR submitted under Part 213. The RRD will audit all reports for which a notice of intent to audit

letter is sent to the Owner/Operator (O/O). All model letters and documents referred to in the Procedures section below are located on the SharePoint intranet website [Model Documents](#)

PROCEDURE

Step	Who	Does What
1	PM	<p>Selecting a report for audit</p> <ol style="list-style-type: none"> 1. Confirms that the report submittal is auditable and contains all Administratively Complete items. 2. Screens the report cover sheet and perform a cursory review of the report. 3. Using Appendix B determines <u>within 90 days of receipt of the report</u> whether or not to audit the report. 4. If the report is selected for audit, draft a notice of intent to audit letter. The letter must be <u>signed not later than 90 days from the receipt of the report</u>. In addition, the <u>O/O must be informed within seven days of the decision to audit the report</u>. The date of the letter denotes the date of the determination to audit. 5. Updates the submittal status in RIDE to “Selected for Audit” with the Decision Date matching the date of the intent to audit correspondence. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>NOTE: The report will become “considered approved by operation of law” if the determination to audit the report does not occur <u>within the required 90 days</u>, if the O/O does not receive the notice of intent to audit <u>within seven days of the determination to audit</u>, or if the report is not selected for audit.</p> </div>
	PM or Administrative Staff (based on office-specific responsibilities)	<ol style="list-style-type: none"> 6. Obtains “durable verification” that the O/O was notified <u>within seven days of the determination of the intent to audit the report</u>. In lieu of certified mail, the signed notice of intent to audit letter can be sent as an email attachment (e.g., .PDF), if a current and correct email address is utilized and a copy placed in the file.
2	PM	<p>Conducting the audit of a FAR or CR (see Section 4 for audit of a revised report)</p> <ol style="list-style-type: none"> 1. Reviews the report cover sheet and report contents to obtain basic information concerning the release(s). 2. Conducts a technical review of the report using the appropriate audit form (FAR/CR Audit Form, Revised FAR/CR Audit Form, located on SharePoint). The review

Step	Who	Does What
	<p>PM, District Enforcement Coordinator, Specialist, or C&E staff</p> <p>PM, FM</p>	<p>does not have to follow the order in which the items are listed.</p> <ol style="list-style-type: none"> a. Compare the information in the report to existing site file information, including evaluating the potential for commingled releases. b. Evaluates site assessment data, including characterization of contamination, geology and hydrogeology, potential receptors, other site information (e.g., utilities) and determines if there are any critical data gaps. c. Reviews the CSM to determine if it is representative of site conditions. d. Reviews relevant data and figures. e. Reviews the geologic conditions described in the report. <ol style="list-style-type: none"> i) Obtains geologist input for geologic issues and groundwater models, as necessary. f. As necessary, seeks input from a specialist or other RRD senior staff for technical support, such as for review of a Tier 2 or 3 evaluation. g. For a FAR, reviews the feasibility analysis and corrective action plan for applicable required content and the use of the RBCA process in the analysis and plan. h. For a CR, reviews the completed corrective actions to determine if there are any remaining unacceptable risks. i. Completes a Risk Evaluation in RIDE to update the release(s) Classification and overall site Risk Condition. <ol style="list-style-type: none"> 3. As necessary, reviews the planned or implemented use of the following institutional controls: <ol style="list-style-type: none"> a. Restrictive Covenant. b. Notice of Corrective Action. c. Notice of Aesthetic Impact. d. Alternative mechanisms (e.g., local ordinance, Michigan Department of Transportation (MDOT) environmental license agreement, public highway institutional control, etc.). e. Notice to impacted parties of corrective action. f. Notice to local unit of government of land use restrictions. 4. If the report documents the institutional control has been implemented (e.g., a restrictive covenant has been recorded), enters the information into RIDE and sends a copy to the Information Management Section. 5. Upon completion of the audit and ensuring that all audit issues are identified, discusses with the field manager the audit findings and recommendation to approve, approve with

Step	Who	Does What
	PM	<p>conditions (See Section 3), deny, or conclude that the report does not contain sufficient information to make a decision</p> <ol style="list-style-type: none"> Finalizes the audit form and drafts the appropriate audit determination letter for FM review and signature. Using the model audit letter applicable to the audit determination, completes the draft of the audit letter that details the results of the audit with one of the options below. Sufficient time must be allowed for administrative staff and FM review so that the final letter is signed by the FM before the audit deadline. <ul style="list-style-type: none"> Approved Approved with conditions – See Section 3 Denied – Identifies all known deficiencies within the FAR or CR and provides available information on how to cure those deficiencies and cites statutory references for the deficiencies Insufficient information – Identifies the information required to review the submittal that is not provided within the FAR or CR <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>NOTE: Consistent with Section 21315(8), if the audit of a FAR determines the release needs no additional corrective action to meet the applicable RBSLs or SSTLs, if the FM concurs, the FAR is approved and the release should be closed.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>NOTE: If the PM determines that the report is approvable with additional information (revised figures, additional sampling data) that can be obtained from the O/O within the audit timeframe or within an extended audit timeframe (if agreed to by the O/O), the additional information can be emailed to the PM with the O/O's request to include the information within the FAR/CR. Alternatively, the additional information can be provided through RIDE using the “non-form” option.</p> </div>
	FM, Administrative Staff	<ol style="list-style-type: none"> Administrative staff reviews and completes the audit letter. FM ensures that the FAR/CR and audit decision are consistent with Part 213 and RRD policies and technical guidance or justification is provided when varying from policies or guidance.

Step	Who	Does What
	Administrative Staff, PM	<p>10. FM and/or administrative staff ensures that the letter is signed before the audit deadline. <u>The audit determination is considered complete when the FM signs the audit letter.</u></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>NOTE: The report will become “considered approved by operation of law” if the O/O is not informed of the audit determination, in writing, <u>within 14 days of the date of the signed audit letter</u>, therefore it is very important to retain proof of notification in the file.</p> </div> <p>11. Administrative staff mails the letter to the O/O. Certified mail is required for audit determinations of approved with conditions, denied, or insufficient information. Certified mail is not required for an audit letter <u>approving</u> a FAR or CR. Informing the O/O via a phone conversation will not suffice as durable verification.</p> <p>12. In lieu of certified mail, PM emails the signed audit determination letter as an email attachment (e.g., .PDF), if a current and correct email address is utilized and the email is placed in the file. The email must be followed by the mailing of a hard copy if there is no confirmation of email receipt.</p> <p>13. If using certified mail or confirmation of delivery through the US Postal Service, administrative staff obtains in writing “durable verification” that the O/O was informed of the results of the audit <u>within 14 days of the completion of audit determination</u>.</p> <p>14. Administrative staff places a copy of the correspondence and proof of delivery in the site file.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>NOTE: The report will become “considered approved by operation of law” if the O/O is not informed of the results of the audit in <u>writing within 14 days of the final determination</u>; therefore, it is very important to retain proof of notification in the file.</p> </div>
	PM	<p>15. Enter the results of the audit into RIDE. Refer to RIDE Quick Reference Guide for Part 213 Project Managers on the RIDE SharePoint page for more information.</p> <ul style="list-style-type: none"> For FARs and CRs, updates applicable release information in RIDE, including the RBCA tier evaluation, updates site classification, and approval status of the submittal appropriately with the Decision Date as the date of the audit outcome letter. If the report was not selected for audit or the audit was not completed within the

Step	Who	Does What
		<p>timeframes established by Part 213, changes the approval status to “Approved by Operation of Law”.</p> <ul style="list-style-type: none"> For CR approvals or CRs that become “Approved by Operation of Law” also updates the release information in RIDE, including the type of closure, RBCA tier evaluation, any institutional controls, updates site classification, and enters the date the release was closed. The closure date is the date the audit Operation of Law” under the statutory framework.
3	Administrative Staff PM	<p>Reviewing documentation of conditions (for reports approved with conditions)</p> <p>Reports that are approved with conditions require subsequent submittal of documentation by the O/O to demonstrate that the condition(s) have been met. The documentation is submitted using form EQP4005 for a conditionally approved FAR and form EQP4004 for a conditionally approved CR. The review of the documentation to evaluate the adequacy of meeting the condition(s) is <u>not</u> an audit and does not fall under the provisions of Section 21315. There is no statutory time frame within which EGLE must review documentation that is submitted by an O/O to demonstrate that the conditions, identified in a conditional approval of a FAR or CR, have been met. However, the RRD will generally respond, as a matter of good customer service, to such O/O submittals <u>within 90 days of receiving the documentation</u>. Documentation for a conditionally approved FAR can also be provided in a CR in lieu of providing a submittal using form EQP4005.</p> <ol style="list-style-type: none"> Processes the report consistent with the procedures outlined previously in this Policy and Procedure. Reviews documentation to determine if conditions identified in the conditional approval letter have been met. Consults with the FM to make the determination. <ol style="list-style-type: none"> (Optional) If the O/O submits information describing that some of the conditions have been met (but not all) and the PM agrees, the PM drafts a letter indicating that those conditions have been met and provides to administrative staff. If the O/O submits information describing that <u>some of the conditions have been met</u> (but not all) and the <u>PM does not agree</u>, consults with the FM to verify the conclusion and drafts a letter using the appropriate model letter to acknowledge those conditions that have been met and identifies those conditions that have not been met. The

Step	Who	Does What
	<p data-bbox="253 1266 456 1335">Administrative Staff, FM</p> <p data-bbox="253 1482 302 1514">PM</p>	<p data-bbox="599 243 1300 384">letter must include an explanation as to why the condition(s) have not been met and provide recommendations about corrective actions or documentation that may address the deficiencies. Provides letter to administrative staff.</p> <p data-bbox="553 426 1422 642">c. If the condition(s) have not been met, drafts a letter for the FM signature acknowledging those conditions that have been met and identifying those conditions that have not been met and providing recommendations about corrective actions or documentation that may address the deficiencies. Provides letter to administrative staff.</p> <p data-bbox="553 646 1395 856">d. If all the conditions have been met, drafts a letter for the FM's signature notifying the O/O that conditions have been met and the report is approved. For CRs, the date of the FM signature on the approval letter is the date of closure for the applicable release(s). Provides letter to administrative staff.</p> <p data-bbox="505 863 1354 898">3. The PM updates the submittal status per RIDE guidance.</p> <div data-bbox="529 926 1406 1199"> <p>NOTE: There are limited circumstances in which a CR may be approved with conditions including: the report is technically approvable; however, a new restrictive covenant has been recorded and the older one must be rescinded, and/or the Report may be technically approvable, but typos and incorrect statements such as wrong county, incorrect locations on maps, must be rectified prior to EGLE approval.</p> </div> <p data-bbox="505 1255 1369 1325">4. Administrative staff completes editing and formatting of the letter and obtains the FM signature.</p> <p data-bbox="505 1329 1422 1470">5. The FM shall ensure that corrective actions and the decision are consistent with Part 213 and RRD policies and technical guidance or justification is provided when varying from policies or guidance.</p> <p data-bbox="505 1474 1390 1617">6. Updates the FARCA/CRCA submittal in RIDE with the appropriate approval status, with the decision date being the date of the letter informing the O/O of the decision per RIDE guidance.</p> <div data-bbox="529 1644 1406 1801"> <p>NOTE: The original FR/CR approval status should remain as Approved with Conditions. Refer to RIDE Quick Reference Guide for Part 213 Project Managers on the RIDE SharePoint page for more information.</p> </div>

Step	Who	Does What
		<p>7. If agreeing that all conditions have been met for a CR approval with conditions, updates the release(s) in RIDE with the type of closure, RBCA tier evaluation, any institutional controls, updates site classification, and enters the date the release was closed, which is the date the report approval letter acknowledging all conditions have been met is signed by the FM.</p>
4		<p>Revised report submittals</p> <p>Revised FARs and CRs may be submitted following an audit that determines whether the prior report is denied or there is insufficient information to make an audit determination on the report.</p> <p>Important points regarding <u>revised</u> FARs and CRs:</p> <ul style="list-style-type: none"> • A revised FAR or CR is considered approved 90 days after the report is received by the department if it is not audited. • An “intent to audit” letter is not required to be sent to the O/O. • A “confirmation of receipt” of a revised closure report is not required to be sent to the O/O. • Audits of revised reports will evaluate whether deficiencies identified in previous audits have been adequately addressed. • Newly recognized deficiencies that were not identified in the previously-audited report <u>cannot be cited</u> in the audit of a revised FAR or CR; however, if newly submitted information reveals new deficiencies, the new deficiencies can be identified in the audit of the revised report. • If there has been a significant time lapse (five years or greater) between the initial FAR or CR and the revised submittal or a significant change in the statute, division resource documents, criteria, or pathway analysis, the audit should be conducted based on the standards, criteria, and procedures in effect at the time the revised report is submitted. • If the PM does not recommend selecting the revised FAR or revised CR for audit, the PM should consult with the FM for concurrence. If the FM does not concur, an audit must be conducted of the revised FAR or revised CR.

Step	Who	Does What
	PM, FM, Administrative Staff, etc.	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>NOTE: Independent of responding to an audit, an O/O may voluntarily change or update the corrective action plan to address the release(s). The CAP could be submitted as a stand-alone CAP submittal using cover sheet EQP4055 or the CAP can be submitted within a new FAR (this would not be a revised FAR).</p> </div> <ol style="list-style-type: none"> 1. For those revised reports that are audited, follow all steps in the audit procedure identified above with the exception of Step 1, Selecting a Report for Audit, recognizing that the audit must be completed <u>within 90 days of receipt of the revised report</u>.
5	PM	<p>Confirmation of “considered approved” reports</p> <p>A FAR or CR or revised FAR or CR that is either not selected for audit or for which the audit was not completed within the required timeframe is considered approved. “Considered approved” written confirmation will be provided for reports that were not selected for audit or for reports with audits that were not completed during the required timeframe.</p> <ol style="list-style-type: none"> 1. Uses the model “Considered approved” letter and sends to administrative staff and the FM for signature after the 90-day audit period has expired. 2. Updates the submittal status in RIDE to “Approved by Operation of Law” with the decision date as the confirmation letter was sent to the O/O and the date of the letter. 3. Updates the release(s) status appropriately in RIDE. Refer to RIDE Quick Reference Guide for Part 213 Project Managers on the RIDE SharePoint page for more information.
6		<p>Closure Report submitted without prior FAR</p> <p>A CR must be submitted upon completion of corrective actions, which could occur prior to the deadline for a FAR. A CR must contain a summary of corrective actions, verification samples, and required affidavits and insurance. The CR must document that corrective actions are complete and that the remaining risk is at or below acceptable levels. If the CR successfully documents that there is no unacceptable risk, then corrective</p>

Step	Who	Does What
	PM	actions are complete and other reporting requirements (i.e. requirements for an IAR, FAR, etc.) may be omitted. <ol style="list-style-type: none">1. Follows steps in the audit policy and procedure to select the report for audit and to conduct the audit.2. If a CR is submitted prior to a FAR and the CR is not approved, the PM, in consultation with the FM, determines if a revised CR or FAR is the next required report due.3. Follows steps in the audit policy and procedure to send appropriate notification to the O/O and to update RIDE.

LINKS TO ADDITIONAL INFORMATION

RIDE Quick Reference Guide for Part 213 Project Managers

(<https://stateofmichigan.sharepoint.com/sites/EGLE-SPC-RRD-RIDE-Database/SitePages/Part-213-Project-Manager-Guide.aspx>)

APPENDICES

Appendix A: FAR/Closure Report Audit Flow Chart

Appendix B: Audit Selection Criteria

APPROVING AUTHORITY



Mike Neller, Division Director
Remediation and Redevelopment Division

HISTORY

Policy No.	Action	Date	Title
RRD-26	Original	11/15/2015	Part 213 Final Assessment Report and Closure Report Processing and Audit Procedure
RRD-26	Revised	9/1/2020	Same as above
RRD-26	Reviewed	3/1/2021	Same as above
RRD-26	Revised	3/21/2025	Part 213 Final Assessment Report and Closure Report Audit Procedure

CONTACT / UPDATE RESPONSIBILITY

Any questions or concerns regarding this policy and procedure should be directed to EGLE-RRD@Michigan.gov.

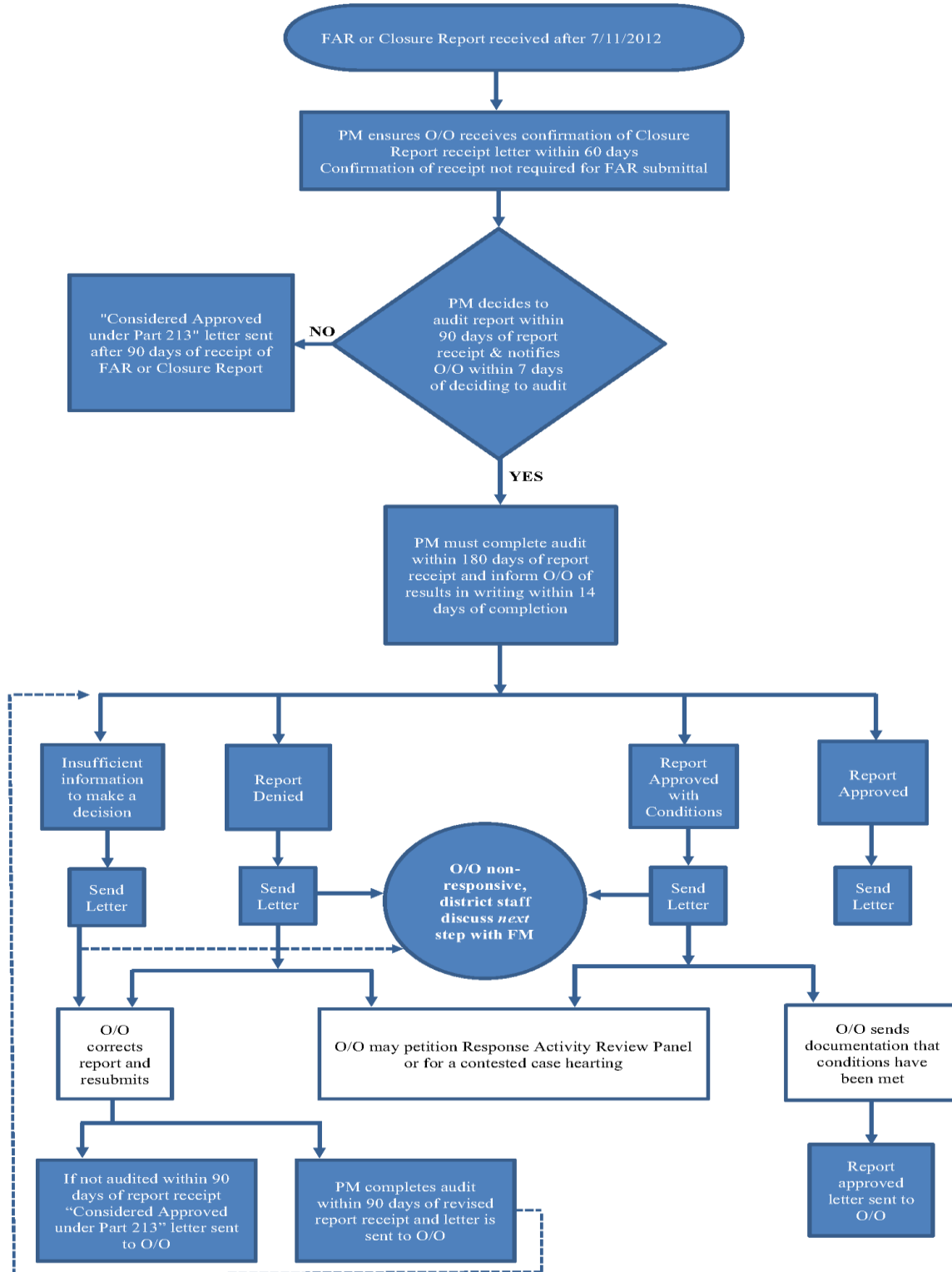
An EGLE policy and procedure cannot establish regulatory requirements for parties outside of EGLE. This document provides direction to EGLE staff regarding the implementation of rules and laws administered by EGLE. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and does not have the force and effect of law. EGLE staff shall follow the directions contained in this document.

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

If this policy/procedure will be posted to the public or external documentation, the following statement is required (remove this italic note):

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

APPENDIX A
FAR AND CLOSURE REPORT AUDIT FLOW CHART



EQ0106 (1/2025)

Appendix B – Audit Selection Criteria

Audit required

- In-situ injection (RRD approval required for a discharge permit exemption under Part 22 Rules)
- Closure Reports with a Conditional Michigan Department of Transportation (MDOT) Environmental License Agreement because of an illicit discharge to a storm sewer (per the Memorandum of Understanding agreement between EGLE and MDOT). If the Closure Report is approved, the audit letter must include a statement that EGLE has determined the contaminant and/or contaminants are naturally attenuating over time (see optional language in Closure Report Approved model audit letter).
- Corrective actions rely on EGLE-generated mixing zone-based groundwater surface water interface (GSI) criteria. Note that the request for mixing zone-based GSI criteria must be submitted in a Supplemental Information Report (Form EQP4001) that includes Form EQP4483 prior to a FAR. Corrective actions that rely on mixing zone-based GSI criteria require public comment pursuant to Section 3109a(2)(b) of Part 31.
- Corrective actions conducted pursuant to Section 20120e if EGLE approval is required

The following priorities are to be considered when evaluating whether a FAR or Closure Report will be audited. District and division metrics, workload, risks present, and other factors will be used when evaluating a report for potential audit (See Step 1 of the RRD Audit procedure). This priority list does not preclude the decision to audit any FAR or Closure Report for other reasons.

1st priority

- Potentially impacted exposure point (e.g. potable well, surface water body, indoor air)
- Dissolved plume greater than 300 feet in length
- Site is subject to an escalated enforcement action/administrative – judicial agreement
- Obvious and substantial mischaracterization or insufficient investigation of site
- Class 1 (past or present) – based on the RRD Site Classification policy RRD-21
- Site within a traditional wellhead protection zone that is relying on a groundwater use restriction
- Tier 3 evaluation

2nd priority

- Site with alternative mechanisms (ordinances, health department institutional controls, etc.)
- Groundwater not in an aquifer determination
- Closure reports submitted without a FAR
- Significant time lapse between an audited report and a revised report submitted in response to an audit
- Site where RBSLs, SSTLs, or screening distances are inappropriately applied
- Class 2 (past or present) – based on the RRD Site Classification policy RRD-21
- Tier 2 evaluation