

REQUESTING INDIVIDUAL RULE 97 CERTIFICATION OF APPROVAL WATER RESOURCES GUIDANCE

All projects involving the application of materials to waters of the state for water resource management purposes require a Rule 97 Certification of Approval from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

Rule 97 of the Michigan Water Quality Standards states:

“The application of materials for water resources management projects pursuant to state statutory provisions is not subject to the standards as prescribed by these rules, but all projects shall be reviewed and approved by the commission before application.”

Water resource management projects requiring an Individual Rule 97 Certification of Approval include but are not limited to:

- application of products to surface waters of the state to control phosphorus.
- use of explosives to remove ice dams.
- application of rotenone for fish removal.

The following items must accompany any individual Rule 97 Approval request:

1. Description and purpose of the proposed water resource management project. A copy of any relevant standard operating procedures should be provided, if available.
2. Please describe any available water quality data that supports the necessity of the proposed treatment. Please state whether any water quality parameters will be monitored as part of the project. If so, please describe the monitoring regime and parameters to be measured.
3. Name and/or type of water body(ies) potentially affected by the proposed project.
4. Geographic location(s) of the specific water body(ies) potentially affected by the proposed project. The county, township/range/section data should be included to identify the affected site(s) location.
5. Name of material(s) to be applied to the water body(ies). A Safety Data Sheet and product manufacturer’s label should also be included. If bacteria are being used in the treatment, all bacterial strains, other ingredients, and any trace name formulations should be listed.

6. Specific time period when the treatment will occur. It is acceptable for a single request to cover multiple treatment applications scheduled over an extended time period (e.g., ten treatments of water body(ies) planned from April to November with a spacing of three to four weeks between treatments).
7. Total load(s) and dosage concentration(s) of the materials to be applied to the water body(ies). If the proposed dosage deviates from dosage recommendations on the manufacturer's label, a brief explanation should be provided.
8. The surface area of the water body(ies) that will potentially be affected by the treatment.
9. The name and contact information for the company selling the material to the applicant.
10. Lake ownership information, whether public or private. If private, what individual, group, or company has ownership.

The requests for approval to apply materials under Rule 97 should be submitted for review to Dr. Sara Nedrich, Water Toxics Unit, Surface Water Assessment Section, Water Resources Division by email at NedrichS@Michigan.gov or by mail at:

Dr. Sara Nedrich
Michigan Department of Environment, Great Lakes, and Energy
Water Resources Division, 3rd Floor South
P.O. Box 30458
Lansing, Michigan 48909-7958

By providing the information described in items 1-10, we will be able to provide a prompt review of your request.

Please contact Dr. Nedrich at NedrichS@Michigan.gov or 517-242-4989 with any questions.

This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.

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.

To request this material in an alternate format, contact EGLE-Accessibility@Michigan.gov or 800-662-9278.