

GENERAL RULE 97 CERTIFICATION OF APPROVAL

R97-20/001

In compliance with the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and Rule R323.1097 of the Part 4, Water Quality Standards, promulgated thereunder, tracer dyes containing certain active ingredients are authorized to be applied to surface waters of the state, directly or indirectly, for the purpose of identifying and eliminating illicit discharges and cross connections, identifying pipeline and tank failures during hydrostatic pressure testing, discharge point location studies, mixing zone mapping, or time-of-passage studies by an entity submitting a complete Notification of Intent under this certification. This certification does not authorize the discharge of tracer dyes for any purposes other than those noted above.

The Notice of Intent and instructions for its submittal are available from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Web site at <https://www.michigan.gov/egle/about/organization/water-resources/rule-97-certifications> or by contacting Water Resources Division at 517-284-5567 or by emailing Sue Ashcraft, Lansing District Office, Water Resources Division at AshcraftS@Michigan.gov.

The application or discharge of tracer dyes to surface waters of the state is authorized by this certification only under, and contingent upon, full compliance with the following conditions:

1. A complete Notice of Intent is submitted.
2. The extent of the dye plume(s) in waters of the state shall be minimized to the maximum extent practicable.
3. The application of tracer dye(s) shall be conducted in accordance with all pertinent label instructions and additional restrictions identified in this certification.
4. Only the tracer dye(s) containing the active ingredients identified in the Acceptable Michigan Tracer Dye List (<https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/WRD/SWAS/rule97-acceptable-dye.pdf>) are authorized under this certification. Upon authorization, the dyes shall only be applied at concentrations resulting in active ingredient concentrations at or below the concentration limit. The active ingredient Chemical Abstract Service (CAS) number and concentration to be used shall also be identified in the applicant's Notification of Intent in order to be authorized.
5. The following agencies shall be notified 48 hours prior to application:
 - Local Municipality (city, township, village, etc.)
 - Local County Health Department
 - Downstream Health Departments if they could be potentially affected.
 - Local Area Emergency Coordinator

6. EGLE, Water Resources Division (WRD), staff shall also be notified 48 hours prior to applications of tracer dyes directly to surface waters of the state. WRD staff must also be notified if visible discharges of tracer dyes are observed in the surface waters of the state as a result of indirect application (illicit discharge and connections studies or discharge point location). Notification to WRD staff shall be as follows:
 - During normal working hours, please contact the appropriate WRD District Office <https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Programs/WRD/About-Us/district-offices.pdf>.
 - After hours, weekends, or holidays, please contact the Pollution Emergency Alert System (PEAS) at 1-800-292-4706.
7. The entity applying the tracer dye(s) to the surface waters of the state, or to another area that has the potential to enter waters of the state, shall retain records for a minimum of three years from the date of dye application identifying treatment locations; dates of treatment; name of applicator(s); and the name, CAS number, and concentration of the active ingredient applied at each location.
8. In the event that any of the conditions of this certification are not, or may not be met, the entity applying the tracer dye(s) shall immediately notify the appropriate WRD District Office staff <https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Programs/WRD/About-Us/district-offices.pdf> of the area in which the application occurred.
9. The issuance of this certification does not authorize the violation of any federal, state, or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other EGLE permits or approvals from other units of government as may be required by law.

Issued this 7th day of December 2021, by EGLE, this Certification of Approval shall become effective on January 1, 2022, and shall expire at midnight on December 31, 2023.



Jon Russell, Manager
Field Operations Section – Lakes Erie and Huron
Water Resources Division