



Water Resources Division

Oil & Gas, Mineral Wells, and Mining Exemptions Under Part 91

Background:

Part 91, Soil Erosion and Sedimentation Control (Part 91), of the Natural Resources and Environmental Protection Act (NREPA) exempts the individuals engaged in the mining industry from obtaining a Soil Erosion and Sedimentation Control (SESC) permit. However, ancillary activities associated with mining activities such as well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities may be required to obtain a Part 91 permit if they are not part of a regulated activity under Part 615, Supervisor of Wells and Administrative Rules (Part 615) or Part 625, Mineral Wells (Part 625), of the NREPA, which are permitted activities under the oversight of the Department of Environmental Quality (DEQ).



Part 91 does not apply to metallic mineral mining activity, such as iron, nickel, copper, gold, etc., covered under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that is approved by the DEQ under Part 631, Ferrous Mineral Mining (Part 631) or Part 632, Nonferrous Metallic Mining (Part 632), of the NREPA. This does not apply to multisource commercial hazardous waste disposal wells. Multisource commercial hazardous waste disposal wells are required to obtain Part 91 permits.

How will I know if ancillary activities associated with mining activities are covered under Part 615 or Part 632 permits?

DEQ requires applicants under Part 615 to submit a Soil Erosion & Sedimentation Control Plan form (EQP7200-18) to the County or Municipal Enforcing Agency prior to commencing the earth change. This is a courtesy notification so you are aware of the earth change that is being conducted in your jurisdiction. You may provide comments to the DEQ regarding the project if you wish. A sample of EQP7200-18 appears on Page 2 of this document. You will not receive specific notification related to metallic mineral wells. If you have questions as to whether or not a metallic mineral well is covered under a Part 631 or Part 632 Permit, please contact the Office of Oil Gas and Minerals (OOGM) at 517-284-6823.



What do I do if I see off-site sedimentation or erosion occurring on an oil and gas or mineral mining site?

If you see a violation of Part 91 on an oil, gas, or mineral mining site, please contact the OOGM staff person for your jurisdiction, and/or your Water Resources Division staff contact. OOGM staff contacts are Melanie Humphrey at 906-250-7564 or Joe Maki at 906-250-4015 for the Upper Peninsula, or can be found at <https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/GRMD/OGMD-Telephone-List.pdf>. Water Resources Division Staff Contacts can be found at <https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Programs/WRD/About-Us/Staff-SESC.pdf>

DEQ MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY – OFFICE OF OIL, GAS, AND MINERALS

SOIL EROSION & SEDIMENTATION CONTROL PLAN

By authority of Part 91, and Part 615 or Part 625 of Act 451 PA 1994, as amended. Non-submission and/or falsification of this information may result in fines and/or imprisonment. Applicants for multisource commercial hazardous waste disposal wells under Part 625 are required to obtain a Part 91 permit from a county or local enforcing agency

Part 615 Oil/Gas Well Part 625 Mineral Well

1. Name and address of applicant

 Phone: (____) _____ Fax: (____) _____

2. Well or project name: _____
 3. Well or project location:
 Section(s) _____ T _____ R _____

4. Name and address of County or local Enforcement Agent (CEA)

 Phone: (____) _____ Fax: (____) _____

5. Township _____ 6. County _____

7. Date earth changes expected to start _____
 8. Date of expected completion _____

9. Name and address of person responsible for earth change:

 Phone: (____) _____ Fax: (____) _____

10. Name and address of person responsible for maintenance:

 Phone: (____) _____ Fax: (____) _____

11. Send copies of supplemental plat required by Part 615, R 324.201(2)(b) or R 324.504(4), and this form and all attachments, to County Enforcing Agency (CEA). For Part 625 Mineral Wells, send to CEA only as instructed by OOGM staff.
 Date sent to CEA _____

EARTH CHANGE ACTIVITIES

12. Project description: (Project activities may be permitted sequentially.)
 a. Number of well sites _____, _____ acres d. Flow line(s) trenched in off well site* _____ feet, _____ acres
 b. Number of surface facility sites _____, _____ acres e. Flow line(s) plowed in off well site* _____ feet, _____ acres
 c. New access roads _____ feet, _____ acres *Contact CEA for fee schedule

13. Describe sites for which permits are being sought under Part 301 (Inland Lakes & Streams) _____
 Describe sites for which permits are being sought under Part 303 (Wetlands) _____
 List file numbers if known _____

14. Attach detail map at scale of 1"=200' or larger, with contour lines at a minimum of 20' intervals OR percent slope descriptions.

15. Areas requiring control structures
 Will earth changes occur in areas with slopes of 10% or greater; areas where runoff water is likely, such as runs greater than 500' of moderate slope (5% to 10%), narrow valley bottoms, etc.; areas within 500' of a lake or stream; or other areas where sedimentation to a wetland or drainage way may occur?
 Yes No
 Indicate any of the following erosion control structures that will be utilized. Identify location on detail map and attach detail plan.
 Indicate on plan whether erosion control structures are temporary or permanent.
 Diversions Culverts Sediment basins Silt fences Rip-rap Berms Check dams
 Other _____

16. Site restoration
 Topsoil will be segregated from subsoil and stockpiled OR No topsoil on site
 Recontour and revegetate as soon as weather permits. Seed mix _____
 Describe other proposed methods of restoration _____

17. Application prepared by (name) _____ Signature _____ Date _____

FOR USE OF COUNTY OR LOCAL ENFORCING AGENT

INSTRUCTIONS TO COUNTY OR LOCAL ENFORCMENT AGENT: Copies of supplemental plat required by Part 615, R 324.201(2)(b) or R 324.504(4), and this form and all attachments are provided for CEA review and informational purposes only. Submittal to CEA is not a requirement under Part 615 or 625. Part 615 and 625 Permits to Drill and Operate include erosion control plan approval for well sites, access roads, flow lines, and surface facilities. Return this form to the applicable field or district office of the Office of Oil, Gas, and Minerals (OOGM) within 30 days of receipt. OOGM will consider all comments and recommendations in reviewing the application.

17. Comments
 Conducted on-site inspection Date _____ Inspected site with representative of applicant Date _____