



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Annual Regulatory Plan

Report Period:
July 1, 2021 to June 30, 2022

Authority:
MCL 24.253

**Submitted:
July 1, 2021**

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Michigan Department of Environment, Great Lakes, and Energy Executive Summary

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is responsible for a total of 61 rule sets. According to the table below, EGLE will be evaluating 12 of the rule sets for possible revisions within the next 12 months. During the past 12 months, two rule sets were promulgated: #2019-35 EG, Supplying Water to the Public and #2018-12 EG, Hazardous Waste Management. EGLE has three rule sets undergoing the rulemaking process: #2020-60 EQ, Part 9: Emissions Limitation and Prohibitions – Miscellaneous; #2020-130 EQ, Cleanup Criteria Requirements for Response Activity; and #2021-24 EQ, Part 8: Emission Limitations and Prohibitions – Oxides of Nitrogen.

EGLE Rule Sets Being Evaluated for Revision from July 1, 2021 to June 30, 2022

Division	Rule Set Title	Rule Citation
Air Quality	Part 1. General Provisions	R 336.1101-1128
	Part 2. Air Use Approval	R 336.1201-1299
	Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound	R 336.1601-1661
	Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions	R 336.1701-1710
	Part 18. Prevention of Significant Deterioration of Air Quality	R 336.2801-2823
	Part 19. New Source Review for Major Sources Impacting Nonattainment Areas	R 336.2901-2908
Drinking Water & Environmental Health	Supplying Water to the Public	R 325.10101-12820
Finance	None	
Materials Management	Control and Licensing of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM)	R 325.5150-5180
	Hazardous Waste Management	R 299.9101-11107
	Medical Waste	R 325.1541-1549
	Solid Waste Management	R 299.4101-4922
Oil, Gas, and Minerals	Mineral Wells	R 299.2301-2531
Remediation & Redevelopment	None	
Water Resources	None	

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Michigan Department of Environment, Great Lakes, and Energy Air Quality Division

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

The need for modifications to the following rules are being evaluated at this time:

Part 1. General Provisions (R 336.1101 – 336.1128)

Some definitions will need to be updated to be consistent with Part 6 rules and possibly other rule revisions.

Part 2. Air Use Approval (R 336.1201 – 336.1299)

Potential updates necessary to remove per- and polyfluoroalkyl substances (PFAS) from exemption in toxics and permitting rules as well as minor updates to renewable operating permit (ROP) rules dependent on result of PFAS discussions.

Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions (R 336.1601 – 336.1661)

Update Reasonable Available Control Technology (RACT) requirements/emission limits in pertinent Part 6 rules and other new rules regulating volatile organic compound sources for inclusion in the 2015 Ozone National Ambient Air Quality Standards (NAAQS) attainment State Implementation Plan (SIP). Also update adoption by reference, if necessary.

Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions (R 336.1701 – 336.1710)

New Sources of Volatile Organic Compound Emissions. Rule 706 will be modified to allow new, large loading facilities to use emission reduction technologies not considered when the rule was originally promulgated. Currently, the Air Quality Division (AQD) renews a variance annually to allow facilities to use these technologies. Also, revisions to some of these rules may be necessary to make them comport with Part 6 rule revisions to address the 2015 Ozone NAAQS attainment SIP.

Part 18. Prevention of Significant Deterioration of Air Quality (R 336.2801 – 336.2823)

Address a misinterpretation from a recent court ruling.

Part 19. New Source Review for Major Sources Impacting Nonattainment Areas (R 336.2901 – 336.2908)

Address a misinterpretation from a recent court ruling.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

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3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

No

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

The Part 6 rule changes are being considered and some stakeholders have expressed concerns about tightening of requirements.

- A. **Whether there is a continued need for the rules.**

Yes

- B. **A summary of any complaints or comments received from the public concerning the rules.**

Tighter emission limits and exemptions will be difficult to comply with.

- C. **The complexity of complying with the rules.**

Stakeholders have said required changes are expected to be complex. In some cases, however, the lower emission rates have been previously implemented in many other states, meaning many entities will already be meeting them and, if not, methods and options will have already been developed.

- D. **Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

N/A

- E. **The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.**

The rules in Part 6 to be considered for revision were first promulgated in 1993. Since then, federal guidelines addressing these activities have been updated, but due to its attainment status with respect to the 2008 Ozone NAAQS, Michigan has not needed to implement these more stringent updates. Other states facing nonattainment planning have utilized these federal guidelines. As a result, industry has had to adapt and develop solutions to these more stringent restrictions. These solutions are expected to be available to the portion of Michigan's regulated community that has not already implemented these changes voluntarily. The need to address the 2015 NAAQS Ozone standard has now made it necessary for Michigan to consider updating its rules.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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EGLE Pending Rules

The MOAHR tracks rules in the promulgation process through their [Pending Rules Changes](#) website.

6. Please provide a list of the items identified for action in the 2021 Annual Regulatory Plan that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

Part 2. Air Use Approval (R 336.1201 – 336.1299)

Potential updates necessary to remove PFAS from exemption in toxics and permitting rules as well as minor updates to ROP rules dependent on result of PFAS discussions.

Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions (R 336.1601 – 336.1661)

Considering update of RACT requirements/emission limits in pertinent Part 6 rules and other rules changes for inclusion in the 2015 Ozone NAAQS attainment SIP. Also update adoption by reference, if necessary.

Part 7. Emission Limitations and Prohibitions (R 336.1701 – 336.1710)

New Sources of Volatile Organic Compound Emissions. Rule 706 will be modified to allow new, large loading facilities to use emission reduction technologies not considered when the rule was originally promulgated. Currently, the AQD renews a variance annually to allow facilities to use these technologies.

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Michigan Department of Environment, Great Lakes, and Energy Drinking Water and Environmental Health Division

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

The need for modifications to the following rule is being evaluated at this time:

Supplying Water to the Public (R 325.10101 – 325.12820)

Part 1 – Part 28 promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399 (Act 399) will need to be amended. Whether this will occur between July 1, 2021 and June 30, 2022 is largely dependent on the United States Environmental Protection Agency (USEPA) regulatory actions. The USEPA recently promulgated Lead and Copper Rule Revisions (LCRR) under the federal Safe Drinking Water Act, provisions of which will need to be incorporated into state rules. However, the USEPA has extended the LCRR's implementation date and is conducting additional rule review. The outcome of the USEPA's review and any subsequent actions will impact the Drinking Water and Environmental Health Division's (DWEHD) timeline for rule revision.

If these rules are opened for LCRR, DWEHD may consider making some additional revisions to Supplying Water to the Public based on capacity and extent of the proposed changes.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

Part 117, Septage Waste Servicers, of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended (Specifically MCL 324.11701 – 324.11720)

Part 117 was amended to require the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to promulgate rules for septage waste receiving facilities and continuing education requirements. EGLE has successfully implemented the receiving facility and education provisions using the statutory authorities and has not had resources to promulgate rules for this program.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Supplying Water to the Public (R 325.10101 – 325.12820)

Concerns have been expressed regarding the financial and logistical challenge to regulated entities, particularly as it relates to recent revisions to lead and copper requirements.

A. Whether there is a continued need for the rules.

Yes. Lead and copper regulations are critical to protecting public health.

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B. A summary of any complaints or comments received from the public concerning the rules.

Municipalities are concerned with the cost associated with full lead service line replacement and challenges associated with accessing private property to replace lead service lines.

C. The complexity of complying with the rules.

Lead and copper regulations are extremely complex, including extensive sampling, reporting, treatment, and education requirements.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None of these rules conflict with or duplicate similar rules or regulations adopted by other regulatory agencies.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

EGLE promulgated revisions to Michigan lead and copper rules in 2018. The USEPA's most recent revision to federal lead and copper requirements came with the 2009 Lead and Copper Short Term Revisions that were adopted by the state. New revisions to the federal Lead and Copper Rule were promulgated in late 2020, however the effective date was immediately extended by the new administration for additional review. The USEPA is taking additional public comment and may make additional revisions. If revisions are made, this will likely delay the effective date. That date is unknown at this time. Increased attention on lead in drinking water is driving more stringent regulations nationwide.

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

Rule Set # 2019-35 EG, Suppling Water to the Public (R 325.10101 – 325.12820)

The rules were filed on 7-27-2020 and took effect August 3, 2020. Rule updates established enforceable drinking water standards for per- and polyfluoroalkyl substances (PFAS).

Outstanding Rule Sets

None

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Michigan Department of Environment, Great Lakes, and Energy Finance Division

1. **Rule(s) to be processed between July 1, 2021 and June 30, 2022.**

None

2. **Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.**

None

3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

No

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

None

- A. **Whether there is a continued need for the rules.**

N/A

- B. **A summary of any complaints or comments received from the public concerning the rules.**

N/A

- C. **The complexity of complying with the rules.**

N/A

- D. **Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

N/A

- E. **The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.**

N/A

5. **Please provide the URL link the department or bureau is currently using to display their administrative rules.**

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EGLE Pending Rules

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

None

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Michigan Department of Environment, Great Lakes, and Energy Materials Management Division

1. **Rule(s) to be processed between July 1, 2021 and June 30, 2022.**

The need for modifications to the following rules is being evaluated at this time:

Control and Licensing of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) (R 325.5150 – 325.5180)

The Materials Management Division (MMD) may promulgate a new part in the Ionizing Radiation Rules for Radioactive Material to provide for the licensing of TENORM. Currently, TENORM is regulated by guidance on a case-by-case basis. Promulgation of formal licensing rules will make the process more consistent.

Hazardous Waste Management (R 299.9101 – 299.11007)

The United States Environmental Protection Agency (USEPA) has authorized Michigan to administer its state Hazardous Waste Management Program in lieu of the federal program. The MMD will initiate rule revisions to address, in part, the federal requirements for safe management of recalled airbags, management standards for hazardous waste pharmaceuticals, and amendment of the P075 listing for nicotine. These regulations include both structural and scope changes to the standards associated with management of these wastes. Based on currently ongoing litigation, MMD will propose to expand the requirement for environmental assessments to all hazardous waste treatment, storage, or disposal facilities seeking an operating license for new or altered, expanded, or altered facility.

Medical Waste (R 325.1541 – 325.1549)

The MMD, along with stakeholders, have initiated changes to the Medical Waste Regulatory Act, Part 138, of the Public Health Code, 1978 PA 368, as amended, (Act 368) to bring it up to current industry standards; address emerging communicable diseases; address stakeholder concerns with sharps storage and management; expand local health department inspection authorization and funding; and bring registration fees in line with needed program work. Once the statutory changes are enacted, the rules will need to be updated to bring them into alignment with the statute.

Solid Waste Management (R 299.4101 – 299.4922)

The USEPA has authorized Michigan to administer its state Solid Waste Management Program in lieu of the federal program. The MMD, along with stakeholders, have initiated changes to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA). These statutory changes would switch the program focus from landfill disposal to materials management, add authorizations for additional materials management facilities, and change the county planning focus from landfill disposal capacity to materials management facility capacity. Once the statutory changes are enacted, the rules will need to be updated to bring them into alignment with the statute.

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2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Medical Waste (R 325.1541 – 325.1549)

Environmental Advisory Rules Committee (EARC) Recommendation RM-8 states, "Amend Part 138, Medical Waste, of Act 368 or rules governing the disposal of medical waste to require the disposal of sharps that are used strictly for non-medical procedures (a) when the storage container is full, or (b) annually, whatever comes first." As noted in Item 1, the legislation needed to implement this recommendation has been initiated.

- A. Whether there is a continued need for the rules.

Yes

- B. A summary of any complaints or comments received from the public concerning the rules.

The EARC identified the medical waste rules as those needing updating to address concerns from businesses, manufacturers, and local government.

- C. The complexity of complying with the rules.

The medical waste rules are basic and add clarity to the statutory provisions.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None of the medical waste rules conflict with or duplicate similar rules or regulations adopted by other regulatory agencies.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

If statute is amended as noted in items 1 and 4, the issue would be addressed and the rules would need to be amended to align with the statute.

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EGLE Pending Rules

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

Rule Set # 2018-12 EQ, Hazardous Waste Management (R 299.9101 – 299.11007)

The rules were filed on 7-27-2020.

Outstanding Rule Sets

Control and Licensing of TENORM (R 325.5150 – 325.5180)

The MMD may promulgate a new part in the Ionizing Radiation Rules for Radioactive Material to provide for the licensing of TENORM. Currently, TENORM is regulated by guidance on a case-by-case basis. Promulgation of formal licensing rules will make the process more consistent.

Hazardous Waste Management (R 299.9101 – 299.11007)

Michigan administers its Hazardous Waste Management Program in lieu of the federal program. The MMD will initiate rule revisions to address, in part, the federal requirements for safe management of recalled airbags, management standards for hazardous waste pharmaceuticals, and amendment of the P075 listing for nicotine. These rules include both structural and scope changes to the standards associated with management of these wastes.

Medical Waste (R 325.1541 – 325.1549)

The MMD, along with stakeholders, have initiated changes to the Medical Waste Regulatory Act, Part 138, of the Public Health Code, 1978 PA 368, as amended (Act 368) to bring it up to current industry standards; address emerging communicable diseases; address stakeholder concerns with sharps storage and management; expand local health department inspection authorization and funding; and bring registration fees in line with needed program work. Once the statutory changes are enacted, the rules will need to be updated to bring them into alignment with the statute.

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Solid Waste Management (R 299.4101 – 299.4922)

Michigan administers its Solid Waste Management Program in lieu of the federal program. The MMD, along with stakeholders, have initiated changes to Part 115 of NREPA. These statutory changes would switch the program focus from landfill disposal to materials management, add authorizations for additional materials management facilities, and change the county planning focus from landfill disposal capacity to materials management facility capacity. Once the statutory changes are enacted, the rules will need to be updated to bring them into alignment with the statute.

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Michigan Department of Environment, Great Lakes, and Energy Oil, Gas, and Minerals Division

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

The need for modifications to the following rules are being evaluated at this time.

Mineral Wells (R 299.2301 – 299.2531)

Part 625, Mineral Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires EGLE to hold all information and records on applications and permits for mineral wells as confidential for ten years or more. The administrative rules require permit applicants to provide a copy of the first page of the permit application to the clerk of the township and the landowner. That rule may be viewed as in conflict with the statute and requires release of some information that may be proprietary and is probably not essential for the public to know. Mineral well industry representatives did not object to the rule when it was proposed; however, a problem arises when staff must tell a citizen that we cannot release any information about an application or permit. The Oil, Gas, and Minerals Division (OGMD) proposes to amend the rules to require release of basic information to local government and to any person who inquires, and to post the information on the weekly permit list on the department Web site.

In addition, the OGMD would like to propose changes to the single well conformance bond amounts to better align with present day plugging costs, incorporate language to address potential conformance bonding for unpermitted test wells in the western UP, and provide additional flexibility for the blanket test well permits in multiple counties.

Finally, based upon legislative changes to Part 625 statute, OGMD may need to incorporate changes in the administrative rules to address several emerging well types related to storage and sequestration of carbon that were not considered when Part 625 was enacted. Other types of emerging deep energy well types such as compressed air energy storage, hydrogen storage, and deep well closed loop geothermal wells are also not well addressed.

The proposed rule revisions would also correct several errors in the current rules.

The OGMD proposes to convene the Mineral Wells Advisory Committee as a stakeholder engagement group to explore these proposed rule changes and to submit a Request for Rulemaking to begin the rule making process.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

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3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Changes to mineral wells rules regarding confidentiality, conformance bonding amounts, and the addition of emerging well types into the program may be viewed as problematic to industry; engagement of the Mineral Well Advisory Committee will be essential in determining if the Request for Rulemaking will include these additional rules.

A. Whether there is a continued need for the rules.

There is a continued need for each rule set being processed for revision in this regulatory plan, and the OGMD has not identified any unnecessary rules or rule sets currently administered by the OGMD.

B. A summary of any complaints or comments received from the public concerning the rules.

Some public complaints have been received regarding confidentiality in Part 625. The statute addresses confidentiality and what can be shared with the public; however, proposed clarification of R 299.2311 would allow the OGMD to share additional items that are already shared with the public via the township supervisor receiving the first page of a permit application. The proposed changes would also convey whether hydrogen sulfide gas is expected and details the expected base of the lowest freshwater interval.

C. The complexity of complying with the rules.

The establishment of emerging well types into the program have some degree of complexity since much of what is emerging has not gone through widespread development. Stakeholder engagement will ensure that any rule changes are nimble to account for these unknowns. The proposed Part 625 rule clarification to address the handling of confidentiality and conformance bonding, primarily affects OGMD workflows and not the regulated community's compliance with rules.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Emerging well types related to carbon sequestration do have federal requirements pursuant to the Safe Drinking Water Act and administered by the USEPA.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Mineral Wells rules were last reviewed in 2008. Since then, there have been a few projects where the department has reviewed controversial permit applications and tried to engage the public. Without the ability to share very basic information that the township already has, lifting some of the confidentiality requirements will

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ease this engagement and promote transparency. With respect to emerging well types and technological advances, OGMD expects these well types to gain momentum moving forward and could constitute a regulatory gap that requires oversight to ensure that the environment and public health and safety are protected.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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EGLE Pending Rules

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

Mineral Wells (R 299.2301 – 299.2531)

This rule set was not moved forward last regulatory plan cycle. The completed Oil and Gas Operations rule set (#2019-001 EQ) above was given priority.

Oil and Gas Operations (R 324.101 – 324.1406) – Gas Storage Wells

This rule set was not moved forward last regulatory plan cycle. The OGMD is continuing to evaluate new federal rules and engage with industry and the Michigan Public Service Commission to determine jurisdiction and Pipeline and Hazardous Materials Safety Administration (PHMSA) partnering framework direction. Pending continued review of the partnering issue, the OGMD may need to initiate rule changes related to gas storage wells.

Oil and Gas Operations (R 324.101 – 324.1406) – Class II Injection

Changes to this rule set regarding Class II injection is not anticipated this regulatory cycle. However, should any additional deficiencies in Michigan's rules become apparent which impacts the implementation Class II well primacy from the United States Environmental Protection Agency, rule changes to eliminate these deficiencies would become a priority.

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Michigan Department of Environment, Great Lakes, and Energy Remediation and Redevelopment Division

1. **Rule(s) to be processed between July 1, 2021 and June 30, 2022.**

None

2. **Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.**

None

3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

No

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

Cleanup Criteria Requirements for Response Activity (R 299.1 – 299.50)

The cleanup criteria provided in the current rules have not been updated substantially since 1998. Based on previous stakeholder discussions, opportunities were identified to update the rules based on more recent science and potential improved processes.

- A. Whether there is a continued need for the rules.**

Yes, there is a continued need for these rules.

- B. A summary of any complaints or comments received from the public concerning the rules.**

Concerns from both the regulated community and public have been expressed in previous discussions regarding the rules. The concerns will be revisited at such time when a determination is made to move forward with rule revisions.

- C. The complexity of complying with the rules.**

The Cleanup Criteria Requirements for Response Activity rules are complex in nature. The complexity of complying with the rules continues to be an integral component of stakeholder evaluation.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

The rules are state clean criteria and do not duplicate federal regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.**

The entire rule set pertaining to EGLE's cleanup and redevelopment programs last underwent a comprehensive review by the Criteria Stakeholders Advisory Group and the public (March 2014 through January 2018).

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

None

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Michigan Department of Environment, Great Lakes, and Energy
Water Resources Division

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

None

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Part 5. Spillage of Oil and Polluting Materials Rules (R 324.2001 – 324.2009)
Recommendations W-1 and W-10 of the Environmental Advisory Rules Committee (ARC) contain specific changes to the Part 5 rules that would make compliance less onerous.

Note: EGLE cannot proceed with rulemaking until it receives rulemaking authority under Part 31.

Part 22. Groundwater Quality Rules (R 323.2201 – 323.2240)
Recommendation W-4 of the Environmental ARC proposes clarification of the types of discharges that do not require groundwater permits – similar to what is done in the storm water regulations. Recommendation W-9 proposes expanding the permit-by-rule categories and eliminating categories requiring groundwater discharge permits for projects with minimal or no impact on groundwater.

Note: EGLE cannot proceed with rulemaking until it receives rulemaking authority under Part 31.

Part 23. Pretreatment Rules (R 323.2301 – 323.2317)
Offers publicly owned treatment works the option to implement some federal regulations that are now less restrictive than our current state pretreatment rules. The actual amount of regulatory relief offered to industry will depend upon whether municipalities exercise the flexibility offered by the proposed rules.

Note: EGLE cannot proceed with rulemaking until it receives rulemaking authority under Part 31.

- A. Whether there is a continued need for the rules.

Yes

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B. A summary of any complaints or comments received from the public concerning the rules.

The Groundwater Quality and Spillage of Oil and Polluting Materials Rules will be thoroughly reviewed and amended as appropriate to address the Environmental ARC recommendations W-12, W-4 and W-9, and W-1 and W-10, respectively. The Environmental ARC voiced concerns about these two rule sets.

C. The complexity of complying with the rules.

EGLE can add additional general permits for types of groundwater discharges that can streamline the permit issuance process and provide additional exemptions from the groundwater permit requirement. An additional permit category could be added to address high strength/low volume wastes.

EGLE can modify the Part 5 Rules in an effort to make them more understandable and technically feasible to achieve the intended result, which is to prevent spills from occurring and responding quickly when they do occur.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Some areas of the Part 5 Rules do contain more stringent requirements than the federal Spill Prevention, Control, and Countermeasures (SPCC) Plan; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the Superfund Amendments and Reauthorization Act (SARA) Title III reporting requirements but functions to be more protective of Michigan's water resources and to fill the gaps left by the federal regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Groundwater Quality Rules were promulgated in August 1999 and have not been modified subsequent to that date.

The Spillage of Oil and Polluting Materials Rules were last revised and became effective August 31, 2001.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Laws and Rules [website](#) directs the public to MOAHR's rules websites as copied below:

Michigan Administrative Rules

The Michigan Office of Administrative Hearings and Rules (MOAHR) maintains the rules promulgated under Michigan statutes. The EGLE administrative rules, organized by division, are on the [MI Administrative Code](#) website.

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EGLE Pending Rules

The MOAHR tracks rules in the promulgation process through their [Pending Rules Changes](#) website.

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

None