

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Environment, Great Lakes and Energy

2. Bureau:

Drinking Water and Environmental Health Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Part 1. Well Construction Code

5. Rule numbers or rule set range of numbers:

R 325.1601 - R 325.1781

6. Estimated time frame:

12 months

Name of person filling out RFR:

Kris Philip

E-mail of person filling out RFR:

PHILIPK@michigan.gov

Phone number of person filling out RFR:

517-284-6518

Address of person filling out RFR:

525 West Allegan, Lansing, Michigan 48933

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

R 325.1610(1)(a)(xi) adopts ASTM International specification C 150-89 “Standard Specification for Portland Cement.” R 325.1640 requires the use of Portland Cement that meets the requirements of the ASTM International specification as an approved water supply system component. Up until 2022, the manufacturers of Portland Cement (Type IA) made the product compliant with the specifications. To reduce their carbon footprint, the manufacturers have modified the product and it no longer complies with the specification. It is referred to as Type IL. The characteristics of the product are similar to that of Type IA, but the rule specifically states that it must comply with the specification. There are other types of Portland Cement Types IIA through VA that meet the specification that are available; however, they have more specialized applications and are less widely available.

Modification of the language to allow the use of the Type IL product would alleviate the need to use the less common products and use a more sustainable product that has similar characteristics for safe water supply well construction.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Section 12714 of Part 127, Water Supply and Sewer Systems, of the Public Health Code, 1978 PA 368 as amended, MCL 333.12714, gives EGLE, with the advice of the Water Well Advisory Council, rule and construction code promulgation authority.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 333.12714.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 333.12714 requires EGLE, with advice from the Water Well Advisory Council, to promulgate rules and a construction code reasonably necessary to implement sections 12701 to 12715. The rules shall include standards for the construction and installation of groundwater supplies.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate other rules, compliance requirements, or standards. The proposed rule change aligns with the intent of the rules to specify a product that meets the standard for well construction. The current reference to the product has become obsolete with the shift to a more sustainable manufacturing process.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes. It is referenced in EGLE's Michigan's Water Well Manual, policies, and procedures.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes, the Michigan Ground Water Association has provided written support of amending the existing rules to use the new product to meet well component requirements.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The last evaluation of the rules occurred in 1994. The product specified in the rules is being phased out of production to help reduce the carbon footprint of the product manufacturing facilities. Other types of cement that fall within the current rules are for specialized applications and/or more difficult to obtain and expensive.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No