

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Environment, Great Lakes and Energy

Division/Bureau/Office:

Drinking Water and Environmental Health Division

Name of person completing this form:

Kris Philip

Phone number of person completing this form:

517-284-6518

E-mail of person completing this form:

PHILIPK@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Dale Shaw

2. Rule Set Information

MOAHR assigned rule set number:

2022-39 EQ

Title of proposed rule set:

Part 1. Well Construction Code

3. Purpose for the proposed rules and background:

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.

4. Summary of proposed rules:

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The current rules adopt ASTM International Specification C 150-89 “Standard Specification for Portland Cement” (C 150-89) and require the use of Portland Cement that meets the requirements of this specification as an approved water supply system component. Up until 2022, the manufacturers of Portland Cement made the most common product (Type I) that is compliant with the specification. To reduce their carbon footprint, the manufacturers have modified the product and it no longer complies with C 150-89. The modified product, which is similar in characteristics, is referred to as Type IL. Modification of the language to allow the use of the Type IL would alleviate the need to use less common currently approved products and use a more sustainable product that has similar characteristics to Type I for safe water supply well construction.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Lansing State Journal, published January 26, 2023
Oakland Press, published January 26, 2023
The Mining Journal, published January 26, 2023

6. Date of publication of rules and notice of public hearing in Michigan Register:

2/15/2023

7. Date, time, and location of public hearing:

3/2/2023 02:00 PM at In Person: Lee Walker Conference Room, Atrium Level, North Tower, Constitution Hall, 525 West Allegan Street, Lansing, MI 48933. , Virtual: <https://bit.ly/3CytDBF> To join by phone only: 213-787-0529 (conference code 881478).

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1398>

9. List of the name and title of agency representative(s) who attended the public hearing:

Department of Environment, Great Lakes, and Energy (EGLE) staff:

Sara Pearson – Drinking Water and Environmental Health Division (DWEHD)
David DeYoung – DWEHD
Anita Ladouceur – DWEHD (Virtual)
Matt Tomlinson – Environmental Support Division
Dale Shaw – Information Management Division

10. Persons submitting comments of support:

Charles Sebastian – Michigan Ground Water Association
Daniel DeGraaf - Michigan Concrete Association

11. Persons submitting comments of opposition:

None

12. Persons submitting other comments:

None

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13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1					

14. Date report completed:

4/17/2023