

## ***MDEQ Announces Public Hearing for Revised Proposed Part 201 Rules***

Andrew W. Hogarth, Acting Chief of the Environmental Response Division of the Michigan Department of Environmental Quality (MDEQ), issued a memorandum on February 14, 2002, announcing a public hearing on the revised proposed rules under Part 201 (Environmental Remediation) of the Michigan Natural Resources and Environmental Protection Act. (See Vol. 12, No. 11 *Michigan Environmental Compliance Update*, February 2002.) The public hearing on the revised proposed Part 201 Rules will be held on March 4, 2002, in two sessions. The first session will be held at the Forum Auditorium of the Michigan Library and Historical Center, 717 West Allegan, Lansing, from 1:00 to 3:00 PM. The second session will be held at a different location in Lansing, the Aurora Room of the Sheraton Hotel, 925 S. Creyts Road, Lansing, from 7:00 to 8:00 PM. MDEQ will receive written public comments on the revised proposed Part 201 Rules until 5:00 PM, March 25, 2002.

Mr. Hogarth's memorandum identifies the following major areas of changes to the revised proposed Part 201 Rules:

- The finality afforded to certain response activity.
- The structure of Part 5 (Response Activities) of the rules.
- MDEQ's role in approving certain categories of response activity.
- Providing information about the conditions of contaminated property to the persons living near the property.
- Listing all of the generic cleanup criteria in the rules.
- Also listing in the rules the data on toxicological, physical, and chemical properties used to derive the cleanup criteria.
- Revising the requirements relating to the groundwater/surface water interface cleanup criteria.

The memorandum announcing the new public comment period also lists the following as key revisions to the Part 201 Rules as a whole, most of which were necessitated by the 1995 and 1996 amendments to Part 201:

- Full integration of the land use-based approach to cleanups set out in the statute.
- Clarification of the overall process for implementing response activities.
- Describing the standards that must be met in order to achieve “complete” status for certain response activities, including the events which would cause a loss of the “complete” status.
- Identification of the response activities requiring MDEQ approval.
- Description of the response activities a person liable under Part 201 must undertake in order to comply with the requirement under the statute to “diligently pursue” cleanup of a release of hazardous substances.
- Expanding the notice requirements relating to migrating contamination, including requiring notice to affected property owners.
- Setting out the methods in the rules for calculating and applying the generic cleanup criteria.
- Requirements for documenting the exposure pathways relevant to selecting the appropriate cleanup criteria at a contaminated site.
- Revising the site assessment model used to rank sites on the list of contaminated sites maintained by MDEQ.
- Clarifying the requirements relating to the relocation of contaminated soil.
- Minor revisions to the rules regarding baseline environmental assessments.

Additional information and a link to download the revised proposed Part 201 Rules may be found on MDEQ’s web site at <http://www.deq.state.mi.us/erd/part201/index.html>.

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