

HONIGMAN ALERT

Environmental Department

April 12, 2012

If you have questions regarding the information in this alert or would like to receive further information regarding our Environmental Department, please contact:

Changes to the Michigan Department of Environmental Quality's Process for Reviewing Remedial Action Plans

Empowerment of MDEQ Districts

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As part of the recent evaluation of Michigan's environmental regulations that was conducted by the Michigan Office of Regulatory Reinvention, the Environmental Advisory Rules Committee made 79 recommendations. Of the 79 recommendations, 17 were related to Michigan's cleanup program (also known as the Part 201 program). A key recommendation for the Part 201 program was to change the process for reviewing and approving remedial action plans (RAPs).

Acting on the Environmental Advisory Rules Committee's recommendation, the Michigan Department of Environmental Quality's Remediation Division, under the direction of Acting Division Chief Anne Couture, has changed its process for reviewing and approving RAPs. Prior to the change, proposed RAPs underwent review and approval in Lansing by the Quality Review Team (QRT). Under the new process, the centralized review of proposed RAPs by QRT has been eliminated in favor of a peer review and approval process by the MDEQ District where the site is located. The Districts have been empowered to make decisions regarding sites within their area. To support the peer review by the Districts, technical support teams will be available to provide expert assistance in the following areas: vapor intrusion, groundwater-surface water interface, in-situ remediation technologies, toxicology, institutional controls, due care, non-aqueous phase liquids, groundwater modeling, and compliance and enforcement. The goal of the change is to ensure that the Districts, which have specialized knowledge about their areas of geographic coverage, are the primary decision-makers with respect to cleanup decisions for sites within the district.

Honigman's Environmental Department is tracking implementation of this and the other recommendations. Please watch for future alerts on MDEQ's implementation of the Environmental Advisory Rules Committee's recommendations. For questions about Michigan's cleanup program, please contact any of the Honigman attorneys listed on this alert.