

Michigan Office of Administrative Hearings and Rules

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

1. Agency Information

Agency name:

Environment, Great Lakes and Energy

Division/Bureau/Office:

Remediation and Redevelopment Division

Name of person completing this form:

Kevin Schrems

Phone number of person completing this form:

517-275-1180

E-mail of person completing this form:

schremsk@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Dale Shaw

2. Rule Set Information

MOAHR assigned rule set number:

2020-130 EQ

Title of proposed rule set:

Cleanup Criteria Requirements for Response Activity

3. Purpose for the proposed rules and background:

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The general purpose of the Cleanup Criteria Requirements for Response Activity rules is to provide a framework for the development of residential and non-residential generic criteria and site-specific criteria for hazardous substances necessary for the evaluation of exposure risks and to implement the requirements for response activities and corrective actions under Part 201, Environmental Remediation, and Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, respectively. Pursuant to MCL 324.20120a, EGLE is required to evaluate and revise the cleanup criteria derived under that Section. The evaluation must incorporate knowledge gained through research studies in the areas of fate and transport and risk assessment of hazardous substances and shall take into account best practices from other states, reasonable and realistic conditions, and sound science. As a result of the August 3, 2020, promulgation of State Drinking Water Standards (SDWS) for seven per- and polyfluoroalkyl substances (PFAS) under Supplying Water to the Public (R 325.10101 – 325.12820) and section 5 of the Safe Drinking Water Act, 1976 PA 399 (MCL 325.1005), the department intends to develop and promulgate generic cleanup criteria for groundwater used for drinking water for these PFAS pursuant to MCLs 324.20120a(5) and 324.20120a(23).

Contaminant	Chemical Abstract Services	SDWS	MCL
(ng/L)			
Registry Number (CASRN)			
Perfluorononanoic Acid (PFNA)			6
375-95-1			
Perfluorooctanoic Acid (PFOA)		8	
335-67-1			
Perfluorooctane Sulfonic Acid (PFOS)			16
1763-23-1			
Perfluorohexane Sulfonic Acid (PFHxS)			51
355-46-4			
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)			
370			
13252-13-6			
(a GenX compound)			
Perfluorobutane Sulfonic Acid (PFBS)			420
375-73-5			
Perfluorohexanoic Acid (PFHxA)			
400,000			
307-24-4			

4. Summary of proposed rules:

The proposed rule set (2020-130 EQ) will amend the current rules to add per- and polyfluoroalkyl substances (PFAS) generic cleanup criteria for groundwater used for drinking water to R 299.49.

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

The Bay City Times - June 20, 2021; The Grand Rapids Press - June 20, 2021; The Traverse City Record-Eagle - June 23, 2021; and The Marquette Mining Journal - June 24, 2021.

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

7/1/2021

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

7/8/2021 02:00 PM at The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of COVID-19 and the City of Lansing Resolution #2021-081. ,
https://us02web.zoom.us/webinar/register/WN_jmAlNyOiQdWwvY7dnMSQfQ

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=1256>

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

Department of Environment, Great Lakes, and Energy staff: Patty Brandt, Joshua Mosher, Jim Ostrowski (Hearings Officer), Kevin Schrems, Dale Shaw, Les Smith, and Eric Wildfang.

10. Persons submitting comments of support:

Public Hearing Comments: Natural Resources Defense Council, Yaneli Sanchez.

Written Comments: Joanne Bauer, Mary Brady-Enerson, Kay Brainerd, Janet Cannon, Abigail Clark, Alan Connor, Christine Dingeman, For Love of Water, Alicia Fukada, Steve Garwood, Janet Ginepro, Tabitha Groat, Graham Grubb, Richard Han, Andrea Hill, Martha Hill, Kate Hutchens, Robert Jankowski, Ron Katz, Brenda Kennedy, Mark Kennedy, Katherine Kinan, Philip Koster, Kira Kozakiewicz, Lara Kramer-Smith, Andrew Kryszak, Steven Kuntzman, John Altan Kusku, Robert LeJeunesse, Little Traverse Bay Bands of Odawa Indians, Cynthia Larson, John Lorand, Manjot Matharu, A'Milliana McNeil, Roshaun Memon, John Messer, Dharma Montagno, Shannon Morton, Kathleen Mulka, Natural Resources Defense Council, National Wildlife Federation, Christina Ng, Renee Nilan, Kyle Peterson, Joanne Render, Terry Ring, Geoffrey Robb, JoEllen Rudolph, Roxy Sammone, Tracy Shalk, Virginia Seppala, Julia Skelton, Julia Smith, Jan Sockness, Lynn Spencer, Jennevie Stephenson, Tip of the Mitt Watershed Council Robert Vandervennet, Nicole Vioujas, Gale Dunn Volkerding, Jacqueline Wolfe, Emily Woodcock, Steven Yankoviak, Mike Zanto.

11. Persons submitting comments of opposition:

Written Comments: 3M, Michigan Manufacturers Association.

12. 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 change	Rule number & citation changed
1					

13. Date report completed:

11/12/2021