



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

January 13, 2003

Chairperson
Joint Committee on Administrative Rules
P.O. Box 30036
Lansing, Michigan 48909-7536

Dear Chairperson:

SUBJECT: Notice to Joint Committee on Administrative Rules (JCAR) of Withdrawal of Proposed Guidelines for Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (NREPA)

The Department of Environmental Quality (DEQ) has determined that it will not pursue guidelines regarding implementation of the administrative rules promulgated pursuant to Part 201 of the NREPA. These rules cover the state program for cleanup of contaminated sites, including requirements for liable persons who have affirmative obligations to conduct cleanup work, and performance standards for complete response activity.

It is my understanding that the guidelines would limit the DEQ's discretion in enforcing Part 201. It is also my understanding the staff in the Attorney General's office have expressed reservations about restricting the enforcement discretion of the DEQ as proposed in the guidelines and have questioned whether the proposed guidelines are consistent with Part 201. Moreover, given the current financial situation of both the state and the DEQ, I must seriously evaluate any limitations on enforcement discretion and the state's ability to recover response activity costs from liable parties. Therefore, I need additional time to give this matter appropriate consideration and to determine whether these or any other guidelines on this subject should be adopted by the DEQ.

On December 13, 2002, the DEQ provided the JCAR with notice of our intent to adopt the proposed guidelines on March 6, 2003. The public comment period, which had been scheduled from January 1, 2003 through February 6, 2003, is cancelled.

If you have any questions or comments regarding this decision, please contact Mr. Jim Sygo, Chief of the Remediation and Redevelopment Division, at 517-335-1104, or you may contact me.

Sincerely,

Steven E. Chester
Director
517-373-7917

cc: Legislative Liaison, DEQ
Mr. Jim Sygo, DEQ
Ms. Lynelle Marolf, DEQ