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## Michigan Environmental Clean-Up "CSI" Report

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"CSI" is not only a popular television show, but also stands for the **Michigan Department of Environmental Quality (MDEQ) "Collaborative Stakeholder Initiative."** MDEQ instituted the six-week, fast track CSI to develop specific recommendations for reforming Michigan's environmental clean-up program. This initiative culminated in the March 14 release of the MDEQ Report entitled **"Reinventing the State's Cleanup and Redevelopment Program"** which is [available here](#) .

The MDEQ organized the CSI participants into work groups that each focused on environmental clean-up program reforms related to one of the following seven (7) subject matters:

- Brownfield Redevelopment
- Clean-Up Criteria
- Due Care Obligations
- Free Product/Source Removal
- Groundwater Surface Water Interface (GSI)
- Part 201 Rules
- Vapor Intrusion

Each of the seven groups developed the recommendations set forth in the Report, which ranged from legislative amendments to changes (and even rescissions) of Part 201 administrative rules, and the proposed development of MDEQ guidance documents. This effort was particularly important because it followed the recently concluded Office of Regulatory Reinvention (ORR) review of all Michigan administrative rules, including environmental regulations, and the substantial amendments to the Part 201 environmental clean-up statute adopted just over a year ago in December 2010.

Some of the highlights of the MDEQ clean-up reforms expected to be addressed in the near term include the following:

- Brownfields Redevelopment: address reauthorization of financial incentives and related municipal environmental liability reforms;
- Due Care Plans ("continuing obligations"): expedited review and approval (possibly within 45 days) for real estate lending and other transactions;
- Remedial Action Plans (RAPs): decentralized review and approval at MDEQ District Offices (with elimination of Lansing Quality Review Team (QRT) centralized review);
- No Further Action (NFA): allow NFA determinations for partial sites;
- Leaking Underground Storage Tanks: coordination of free-product/source removal recommendations with pending Part 213 legislative amendments;
- GSI Criteria: coordinate with the Water Resources Division of MDEQ and reforms through pending legislative amendments;
- Vapor Intrusion (VI): issue exposure pathway and clean-up criteria guidance and make determination



Article By [Tammy L. Helminski](#)  
[Charles M. Denton](#) [Barnes & Thornburg LLP](#)

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- on the applicability of OSHA permissible exposure limits at non-residential facilities; and
- Part 201 Rules: elimination of many administrative rules in deference to detailed statutory provisions, consistent with ORR recommendations, and including mandated updates of clean-up criteria.

It is expected that many of the CSI group recommendations will be adopted, enacted or otherwise pursued yet this year, and perhaps as soon as the next 60-90 days. There is also a current statutory requirement that the Part 201 clean-up criteria administrative rules be updated before the end of this year.

There is a real sense from the stakeholders involved in the CSI that MDEQ is committed to meaningful reinvention of the environmental clean-up and Brownfield redevelopment program and that the momentum from this CSI process will carry forward. Obviously, time will tell which of these recommendations are in fact implemented and on what schedule.

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