

## Rule Outline and Index - Draft # 20, September 1999

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Rule 11(7)	Monitoring data and actual measurements were required or available.	
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Rule 12(1)		
Rule 12(2)		
Rule 12(3)	Baseline shall be either of the following: (a) existing practices for sources not subject to an applicable requirement.	
Rule 12(4)	(b) the most protective of the following for sources subject to an applicable requirement: wasteload allocation specified by a TMDL, remedial action, lakewide	

R 323.3013 Rule 13.	area management or watershed management plan.
Rule 13(1)	<p>Calculation of urban stormwater baseline, unless otherwise specified by and applicable requirement:</p> <p>(a) land use loading factor: <math>ML = EMCL \times RL \times L_{18-19}</math></p> <p>(b) pervious/impervious annual runoff volume:  <math>RL = [CP + (C1 - CP) \text{IMPLX}]</math></p> <p>(c) total annual load: <math>Loadp = \text{SUM } ML \times AL</math></p> <p>(d) percent pollutant reduction:  <math>PL, sb = (AC1, sb \times REM1 \dots (ACn, sb \times REMn))</math></p> <p>(e) pollutant loading baseline under given land user scenarios and existing management practices:  <math>MASS = n \text{SUM } sb = 1 \text{ nSUM } I = 1 \times A \text{ I}, sb \times (1 - PL, sb)</math></p>
Rule 13(2)	<p>Loading reductions generated, difference between the baseline calculated under Rule 13(2) and reduced loading level calculated under Rule 13(3).</p> <p>Calculation of credits generated.  Calculation methods.</p> <p>Monitoring data and actual measurements used where available.</p>
Rule 13(4)	<p>Agricultural generation of loading reductions and credits.  Baseline the most prospective of</p> <p>(a) loading from existing operations.  (b) loading after the implementation of management practices specified by an applicable requirement.  (c) a cap specified by a watershed management plan approved by the department.  (d) a cap specified in a RAP or a LaMP.</p>
Rule 13(5)	
Rule 13(6)	For agricultural operations not subject to an applicable requirement the baseline shall be established by a plan prepared by NRCS certified planner.
Rule 13(7)	
R 323.3014 Rule 14.	
Rule 14(1)	<p>The plan shall include the following:</p> <p>(a) document existing operations  (b) loadings from existing operations  (c) identification of recommended practices  (d) loading reductions for recommended changes</p> <p>Calculation methods.  Calculation of loading reductions generated: sum of reductions from all practices implemented under the plan.</p>
Rule 14(2)	<p>Baseline, reduced loadings, loading reductions generated and credits expressed in pounds per month or year.</p> <p>Calculation of credits generated: loading reductions generated minus the water quality contribution.</p>
Rule 14(3)	<p>Same methods and procedures must be used to calculate the baseline, reduced loading level, loading reductions generated and credits generated.</p> <p>Water quality contribution and uncertainty.</p>
Rule 14(4)	Point source 10% contribution.
Rule 14(5)	Nonpoint source 50% contribution (2:1 ratio). Discount factors applied to the use of credits.
Rule 14(6)	Impoundment between point source and nonpoint source, 10% more credits than the amount needed to comply with applicable limitation.
Rule 14(7)	Point source using credits in nonattainment area, 10% more credits than the amount needed to comply with the applicable limitation.
Rule 14(8)	<p>Other discount factors may be established by the department to assure water quality standards are met.</p> <p>Nutrient discharge reductions, credits life and early reductions.  5-year credit life.</p>

	Credit life early reductions, 5-years or 1 year after final compliance date.
323.3015 Rule 15.	Notification requirements for the generation of discharge and loading reductions and the registration of credits.
Rule 15(1)	Notice and certification required.
Rule 15(1)	Notice requirement.
R 323.3016 Rule 16.	Certification by responsible official.
Rule 16(1)	Department determination of completeness within 30-days. Legally enforceable credit generation requirements. Permit modification by rule and compliance determinations. Reporting requirements.
Rule 16(2)	Notification requirements for the registration of use or trading of credits. Notice requirement. Certification by a responsible official. Department determination of completeness within 30 days. Requirement for use to be consistent with all rule provisions. Legally enforceable credit use requirements. Notice of price paid within 7 business days. 60-day period to register unused credits.
R 323.3017 Rule 17.	Permit modification by rule and compliance determinations. Reporting requirements.
Rule 17(1)	
Rule 17(2)	
R 323.3018 Rule 18	Water Quality Trading Registry. Requirement for department to establish and maintain registry.
	Information required by the registry.
Rule 18(1)	Requirement for department to update registry daily.
Rule 18(2)	Department electronic bulletin board, information and daily update requirements.
Rule 18(3)	10 day period to notify department of any posting errors.
Rule 18(4)	
Rule 18(5)	Delineation of watershed for the purposes of trading.
Rule 18(6)	Michigan's Major Watersheds for open nutrient trading.
Rule 18(7)	TMDL's for closed nutrient trading. Watershed management plans for closed nutrient trading. Other types of trades case-by-case.
R 323.3019 Rule 19.	Watershed management plans for water quality trading.
Rule 19(1)	Utilization of existing TMDL, RAP/LaMP, stormwater, CMI and CWA Section 319 approved plans.
Rule 19(2)	Existing plan, additional requirements for trading.
Rule 19(3)	Existing plan approval required before trading occurs.
Rule 19(4)	Preparation of comprehensive watershed management plans to conduct trading.
Rule 19(5)	Who may prepare plans.
Rule 19(6)	Data and plan content requirements and local approval.
Rule 19(7)	Department review and approval.
Rule 19(8)	Public notice requirement.
Rule 19(9)	Department action final unless reviewed in court.
R 323.3020 Rule 20.	Plans approved by department effective for not more than 5 years, binding on department and parties thereto.
Rule 20(1)	Program evaluations. Mandatory evaluations every 5 years and information required. Required evaluation. Requirement for department to prepare and make public a report and recommendations for program modifications deemed necessary by the department.
Rule 20(2)	
Rule 20(3)	Public notice requirement.
Rule 20(4)	Program modifications following notice and opportunity for hearing. Requirement for department to modify program as necessary to achieve purposes in Rule 2.
Rule 20(5)	Compliance and enforcement. Dual liability for users and generators of credits.
R 323.3021 Rule 21.	30-day reconciliation true-up period for insufficient credits, notice and corrective action requirements
Rule 21(1)(a)	Treble damage provisions for insufficient credits discovered by the department.
Rule 21(1)(b)	Reconciliation and compliance.
Rule 21(1)(c)	Enforcement action burdens of proof.
Rule 21(1)(d)	90-day reconciliation true-up period for credit users
R 323.3022 Rule 22.	Citizen Petition
Rule 22(1)	Provisions for any citizen to file a petition requesting enforcement action by the department.

Rule 22(2)  
Rule 22(3)  
Rule 22(4)

Information required in the petition.  
Provisions for a contested case and judicial review.  
'Savings' clause for citizen action under other federal or state statutes.

Rule 22(5)  
Rule 22(6)  
Rule 22(7)  
Rule 22(8)  
Rule 22(9)  
Rule 22(10)

R 323.3030 Rule 23.

Rule 23(1)  
Rule 23(2)  
Rule 23(3)

Rule 23(4)  
Rule 23(4)

Rule 23(5)

R 323.3024 Rule 24.

Rule 24(1)  
Rule 24(2)

Rule 24(3)

Rule 24(4)  
Rule 24(5)  
Rule 24(6)

R 323.3025 Rule 25.

Rule 25(1)

Rule 25(2)  
Rule 25(3)  
Rule 25(4)