

Individual Rule 97 Certification of Approval

All projects involving the application of materials to waters of the state for water resource management purposes require a Rule 97 Certification of Approval from the Michigan Department of Environmental Quality (MDEQ).

Rule 97 of the Michigan Water Quality Standards states:

The application of materials for water resources management projects pursuant to state statutory provisions is not subject to the standards as prescribed by these rules, but all projects shall be reviewed and approved by the commission before application.

Water resource management projects historically covered by Rule 97 include, but are not limited to: sea lamprey control treatments with TFM and Bayer 73; fish reclamation projects using piscicides (i.e., rotenone) by state agencies, local organizations, and private individuals; the treatment of lakes using bacterial augmentation products; mixing zone mapping and time of passage studies using tracer dyes and reaeration gases; discharge point location studies using tracer dyes; water intake treatment with biocides to control zebra mussels; ice painting using colored dyes; and blackfly and mosquito control treatments using BTi bacteria and chemical methods. The authorization to use pesticides other than those covered in the General Rule 97 Certification of Approval Authorizing Mosquito Control in Surface Waters requires an Individual Rule 97 Certification of Approval.

The following items must accompany any individual Rule 97 Approval request:

1. Description and purpose of the proposed water resource management project. A copy of any relevant standard operating procedures should be provided, if available.
2. Name and/or type of waterbody(ies) potentially affected by the proposed project.
3. Geographic location(s) of the specific waterbody(ies) potentially affected by the proposed project. The county, township/range/section data should be included to identify the affected site(s) location.
4. Name of material(s) to be applied to the waterbody(ies). A Material Safety Data Sheet and product manufacturer's label should also be included. If bacteria are being used in the treatment, all bacterial strains, other ingredients and any trade name formulations should be listed.
5. Specific time period when the treatment will occur. It is acceptable for a single request to cover multiple treatment applications scheduled over an extended time period (e.g., ten treatments of the waterbody(ies) planned from April to November with a spacing of three to four weeks between treatments).
6. Total load(s) and dosage concentration(s) of the materials to be applied to the waterbody(ies). If the proposed dosage deviates from dosage recommendations on the manufacturer's label, a brief explanation should be provided.
7. The surface area of the waterbody(ies) that will potentially be affected by the treatment.
8. The name and contact information for the company selling the material to the applicant.

9. Lake ownership information, whether public or private. If private, what individual, group, or company has ownership.

The requests for approval to apply materials under Rule 97 should be submitted for review to: Ms. Diana Klemans, Chief of the Surface Water Quality Assessment Section, Water Division, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, MI 48909-7773, or email klemansd@michigan.gov.

By providing the information described in items 1 through 9 above, we will be able to provide an expeditious review of your request.