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The 2018 Survey on Oil & Gas

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Michigan

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ONE J

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I. Introduction

This year, the Michigan legislature established new oversight panels to provide additional input on state environmental policy. The Department of Environmental Quality (DEQ) added new rules regarding Class II Injection Wells. Michigan saw no developments in regards to oil and gas common law.

II. Legislation

A. Private Sector Oversight

Governor Rick Snyder signed into law three Senate Bills, being SB 652, SB 653, and SB 654, to form private sector review panels tasked with the oversight of state environmental policy.¹ First, Senate Bill 652 established the Environmental Rules Review Committee, whose stated purpose is to oversee the rule-making process of the DEQ.² Next, Senate Bill 653 established the Environmental Permit Review Commission, whose stated purpose is to advise the director of the DEQ on disputes related to permits and permit applications.³ Last, Senate Bill 654 established the Environmental Science Advisory Board, whose stated purpose is to “advise the governor and any state office, agency, or department specified by the governor on issues affecting the protection of the environment or the management of natural resources of this state.”⁴

III. Administrative Law

A. Class II Injection Wells

The DEQs Oil, Gas, and Minerals Division (OGMD) adopted new rules regarding Class II Injection Wells that became effective on June 7, 2018.⁵ The OGMD adopted the rule changes in conjunction with their application for primacy to administer the construction, operation, reporting, and monitoring of said injection wells.⁶

1. *Gov. Rick Snyder signs legislation enhancing transparency, oversight of decision-making processes for environmental quality*, OFFICE OF GOVERNOR RICK SNYDER, (June 29, 2018), https://www.michigan.gov/snyder/0,4668,7-277-57577_57657-471951--,00.html.

2. Mich. Comp. Laws § 24.265(19) (2018).

3. Mich. Comp. Laws § 324.1313(1).

4. Mich. Comp. Laws § 324.2609(1).

5. Mich. Admin. Code r 324.701 *et seq.* (2018).

6. *Id.*

IV. Conclusion

This year saw minimal developments in oil and gas law. The biggest development of note is the enactment of Senate Bills 652, 653, and 654, which significantly alter the private sector's role in rule-making and permit issuance in the Environmental area.