

Michigan Department of Environmental Quality
Waste and Hazardous Materials Division

PUBLIC INVOLVEMENT ACTIVITIES IN THE
WASTE AND HAZARDOUS MATERIALS DIVISION

1. Our public involvement objectives
 - a) Inform
 - i) Educate the public about what we do
 - ii) Provide guidance and training
 - iii) Issue public notices, fact sheets, project updates, and draft decision documents
 - iv) Make information available on the Internet
 - v) Make information available at local libraries and other public locations
 - vi) Conduct informational meetings
 - b) Obtain input – we seek information from those who would be most directly affected by a proposed action or decision

- c) Build consensus – we seek common ground among affected parties
 - d) Make the best possible decisions – we try to address all relevant concerns and objections with our decisions
2. Conditions for most successful public involvement (still no guarantee of success)
- a) Public understands our process
 - i) Administrative process and technical standards established in statute and rule
 - ii) Need for objectivity – predictable and defensible decisions – to ensure that politics and public sentiment do not interfere with siting and maintaining the infrastructure needs of our state
 - b) Public is involved early and often
 - i) Part of the decision-making process
 - ii) More ownership in the final product
 - c) Public trusts us and our process
 - d) Public can affect decision

3. Conditions for least successful public involvement
 - a) Public misunderstands our process
 - i) Unreasonable expectations of what we can and cannot do
 - ii) Want local veto, regardless of whether a proposal satisfies technical requirements under the statute or rules
 - iii) Want us to consider issues that the statute or rules do not let us consider
 - b) Public is involved once at the end of the process
 - i) Perception that it's a "done deal" and that we are only going through the motions
 - ii) Can be difficult for the public to study the proposal and provide meaningful comments in the limited time (45 to 60 days) typically allowed under the traditional model for public participation
 - c) Public mistrust and fear

- i) Most common with complicated proposals for siting new facilities – NIMBY
 - ii) Difficult to overcome when local leaders perpetuate misinformation
 - iii) Obstacle to information sharing and meaningful public participation
 - iv) Perception of agency bias is inversely proportional to agency credibility
- d) Public cannot affect decision
- i) Registration versus permitting
 - ii) Meaningless to seek comments that won't matter
4. Level of public involvement with DEQ varies by program area and the extent that the public can affect decisions
- a) No public input
 - i) Storage tank registrations
 - A) Limited role for agency and public because the tanks involved are for storing valuable

products versus wastes, with an expectation that they will, therefore, be managed better

- B) Siting criteria and technical standards specified in statute and rule
- C) Prevalent and generally accepted (gas stations, manufacturing, etc.)

ii) Scrap tire haulers and collection sites

- A) Registration; not permitting
- B) Technical requirements specified in statute

iii) Radiological Protection Program

- A) Registration for state-regulated materials
- B) Federal public participation process for siting and licensing facilities that manage radioactive materials that are not state-regulated
- C) Special case of low-level radioactive waste; Michigan has a siting process and siting criteria in statute

- iv) Solid waste management plans
 - A) Public participation conducted by county government
 - B) Requirements for plans established in statute and rule
- v) Solid waste management operating licenses
 - A) Applicants work with local unit of government to develop host community agreements
- vi) Compliance and enforcement actions
 - A) Usually highly technical and legalistic
 - B) Not siting-type decisions
 - C) Public cannot negotiate consent orders
 - D) Public pressure can give regulator some leverage
 - E) Moving toward more public involvement in consent orders that require corrective action
- b) Limited public involvement
 - i) Solid waste management construction permits

- A) Public hearing on the application if requested
- B) No public hearing on draft decision
- c) Traditional public involvement
 - i) Hazardous waste management operating licenses
 - A) Solicit public input on draft decision
 - B) Often not the best approach because of perception that it's a done deal and the limited time to study and comment
 - C) Enhance public involvement by requiring the applicant to publish a preapplication notice and to conduct an informational meeting to get the public involved sooner
 - ii) Administrative rules development
 - A) Hold at least one public hearing on the draft rules package
 - B) Enhance public involvement by seeking input from stakeholders during rule development. Still, the real players are the lobbyists and

special constituencies; it's hard to get the general public excited about rules.

- d) Expanded public involvement
 - i) Current hazardous waste construction permit process for siting new facilities
 - A) Better chance for successful public involvement
 - B) Public notified before an application is submitted and applicant holds an informational meeting
 - C) DEQ holds a public hearing during its review of the application – before deciding whether to refer the application to the Site Review Board (SRB)
 - D) The SRB holds a series of public meetings (typically at least seven) to obtain public testimony and to deliberate issues affecting the local community – more-subjective issues

that the DEQ cannot consider during its technical review of the project

- E) Includes a negotiations process between the applicant and affected parties
- F) DEQ can impose special conditions on the facility to mitigate adverse impacts on the local community (restrictions on traffic volume and routes, restrictions on hours of operation, provide hazmat training for local government, compensation, etc.)
- G) Gives considerable leverage to the community; they can affect the decision

5. Shortcomings in all areas

- a) Lack of timely information from us
- b) Perception of undue influence by the regulated community
- c) Inability to counter misinformation by press and applicant

6. Ways to promote more effective public involvement
 - a) More emphasis on partnering with activists and community leaders to educate the public
 - b) Involve public early, even when it's not required
 - c) Build trust