

**DRAFT  
IMPLEMENTATION PLAN  
of the  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
for the  
ENVIRONMENTAL ADVISORY COUNCIL  
RECOMMENDATIONS TO IMPROVE PUBLIC INVOLVEMENT**

**Fiscal Year 2005  
October 2004**

## INTRODUCTION

In March 2003, the Department of Environmental Quality (DEQ) Director Steve Chester created the Environmental Advisory Council (EAC) to advise the DEQ on its major programs and policies. The EAC consists of 25 members representing a wide range of interests affected by DEQ activities, including citizen organizations, the regulated community, local government, academia, and others. As an initial charge, the EAC was asked to recommend to the DEQ how to improve the effectiveness of public involvement in its activities.

On September 2, 2003, the EAC submitted a set of Draft Recommendations to the public and DEQ staff for comment. Public and staff comment on those recommendations was considered by the EAC at its November 2003 meeting. The EAC submitted its Final Recommendations to the DEQ in February 2004.

Because the EAC wanted the DEQ to move quickly and continuously to improve public involvement, they asked the DEQ to simultaneously develop and submit for EAC consideration a plan to implement the recommendations. A draft Fiscal Year (FY) 2004 Implementation Plan was provided to the EAC in December 2003, and considered in conjunction with the finalization of the EAC's recommendations. The EAC supported the DEQ's Final Implementation Plan in February 2004.

The DEQ reported to the EAC on progress under the FY 2004 Implementation Plan in August 2004. That report is attached as an Appendix. In September 2004, the EAC and DEQ discussed progress of the DEQ in implementing the EAC's public involvement recommendations and a draft FY 2005 DEQ Implementation Plan. The DEQ will present this final FY 2005 Implementation Plan to the EAC in October 2004.

This Implementation Plan is organized by specific recommendations made by the EAC. It contains items pending completion from the FY 2004 Implementation Plan as well as several new items suggested by the DEQ. This Plan should be read in conjunction with the Appendix for a full picture of the major actions the DEQ has or will undertake to improve public involvement in the DEQ.

The DEQ will provide mid-year and end of year written reports to the EAC on progress under this Plan. Those reports will be posted on the DEQ web site.

## RECOMMENDATIONS AND RESPONSE

This Plan describes the actions the DEQ will take to improve public involvement. To assist the public in understanding these actions and how they fit into the DEQ's overall public involvement program, the DEQ will develop a Public Involvement Handbook. This Handbook will be completed by **April 1, 2005**.

**A.1 *The DEQ should enhance its efforts to train staff on how to work with the public, communication skills, conflict resolution, and public meeting facilitation. The DEQ should also consider employing specialists who can bring experience and expertise to these activities.***

Given limitations on DEQ resources, it has been difficult to provide staff training envisioned in the FY 2004 Implementation Plan. Further efforts on training and other skill development are anticipated in FY 2005.

1. The DEQ will identify staff in each district office, and a limited number of staff from each division to receive specialized training in public involvement skills. The training program will be designed and initiated by **September 30, 2005**. To the extent possible, DEQ staff who have expertise in public involvement will be used to provide this training. (2)\*
2. The DEQ will participate in training being developed through the Civil Discourse Project and arrange for training modules at appropriate division and district events during **FY 2005**. (3)
3. The Office of Communication and Education will update the DEQ's public/media communications kit and make it available to staff through the DEQ intranet by **June 1, 2005**. (4)

---

\* The notation in parentheses after each action item indicates the corresponding number of the action item from the FY 2004 Implementation Plan or if the item is new for FY 2005.

**A.2 DEQ management should recognize the value of staff participation in a professional capacity as members of professional organizations and in environmental projects in their local communities. Staff should also feel enabled to be visible in their community in a personal capacity, keeping in mind the need to avoid conflicts of interests or inappropriate use of authority through their affiliation with the DEQ.**

The DEQ has implemented action items in support of staff involvement in professional organizations and in their local communities and will continue on-going support of such involvement.

**A.3 The DEQ should invest in developing and fostering awareness among its staff that there is value in bringing multiple perspectives to bear when examining an issue.**

The DEQ has incorporated means of furthering this perspective into its on-going activities. In addition, this value will be advanced through a formal leadership training program.

1. The value of multiple perspectives in addressing issues before the DEQ will be a training module in the management training to be developed under Recommendation A.4. (2)

**A.4 The DEQ should encourage leadership development among its staff and foster interaction among emerging leaders in the DEQ and organizations involved in DEQ activities.**

A team of current leaders among DEQ staff from throughout the department designed a leadership training program during FY 2004. This design was reviewed by the EAC and approved by the DEQ management team.

1. The DEQ will complete development of, and implement its leadership training program during **FY 2005**. (1)

**B.1 Individual programs within the DEQ should review their decision-making processes to identify earlier opportunities for public involvement. This may include the potential for earlier notification of pending actions—such as the receipt of permit applications—and encouraging applicants to voluntarily involve the public as early in the process as feasible. The EAC recognizes that such early involvement mechanisms will not be appropriate or necessary for all decisions within a particular program. Individual programs should develop criteria to identify the types of decisions for which such mechanisms are appropriate.**

**B.2 The DEQ should notify the public of pending actions or activities early enough to obtain and evaluate information, formulate and express opinions, options, and suggestions prior to DEQ action.**

The DEQ has undertaken a number of actions identified in the FY 2004 Implementation Plan to improve the process of public involvement. Several more in-depth activities are underway, with completion scheduled during FY 2005.

1. A standardized framework to use in cataloguing major types of decisions and the potential for public interest in those decisions has been developed. Each division will use the framework to complete a review of the current public involvement opportunities and the potential for earlier notification and earlier public involvement based on criteria developed by individual programs. The framework will be completed by each division by **March 1, 2005**. (1)
2. Divisions will modify processes to address opportunities identified in Item 1, or identify needed statutory or administrative rule amendments, or other necessary actions, by **September 30, 2005**. (2)
3. Several divisions examined their processes for notifying the public of changes in policies and interpretations and made recommendations for improvement during FY 2004. The remaining divisions will complete this process by **December 31, 2004**. (3)
4. The Air Quality Division (AQD) permit section is currently providing notification of received applications by sending a list of such applications to each county as well as by posting it on the AQD website. Significant applications may also be published in the DEQ Calendar. This activity will continue in FY 2005 and beyond. The AQD will investigate the most effective way to notify interested parties on ways to access project information. In addition, the AQD will initiate improvements to its website by creating a quick link for those projects open for public comment by **September 30, 2005**. (4)
5. The Land and Water Management Division (LWMD) will focus on providing more information about projects in a user-friendly manner. The feasibility and cost of

upgrading information through the web ("CIWPIS on line"), and developing a GIS based "Map Locator" to facilitate information retrieval will be investigated for Land and Water Management programs. In addition, the division will add more information to its web pages to help the public better understand the purposes for its programs, the process used to issue permits, and the criteria used to determine whether a project can be permitted or not. Review and implementation will occur by **December 31, 2004**. (7)

6. The Remediation and Redevelopment Division (RRD) communications team is developing a "Community Involvement" kit to be placed on the intranet for staff that will provide user friendly guidance for involvement in RRD programs and will enhance already existing RRD and DEQ public involvement initiatives. The kit, while being developed to be updated over time, will initially be made available to staff by **November 2004**. (8)
7. The Waste and Hazardous Materials Division (WHMD) is drafting an operational memorandum revising the Part 115 construction permit process to encourage applicants to involve the community prior to submission of applications for new ("greenfield") landfill construction. The memorandum will be completed by **October 31, 2004**. (13)
8. The WHMD will propose amendments to the Part 111 rules to require construction permit and operating license applicants to submit with the application a response to relevant comments received from the public during the pre-application meeting, providing an opportunity for the applicants to explain their proposed actions. The administrative rules package will be initiated during **FY 2005**. (16)
9. The Water Bureau (WB) will continue to improve website information available regarding the tracking of the National Pollutant Discharge Elimination System (NPDES) permit applications. The WB's NPDES Management System (NMS) is used for managing NPDES data. The bureau is developing a process to provide a direct upload from NMS to the website. This will provide access to applications, tracking, and a searchable database by county, waterbody, latitude/longitude, etc. The program will start with individual NPDES permit applications and will later be expanded to include authorizations under the general permit program. This effort will be initiated in **FY 2005**. (New)

**B.3 The DEQ should review and improve its mechanisms for providing notice of pending decisions, including the feasibility of individual notice to citizens directly affected by significant site-specific permit decisions.**

The DEQ has improved notifications through use of the web page, DEQ Calendar and direct notices to affected interests. The DEQ intends to take further proactive steps to inform communities of significant DEQ activities.

1. The press secretary and ESSD will review the potential for sending the Department Calendar to local media on a regional basis, highlighting significant actions in each region. The press secretary will also encourage media outlets to provide hot links to the DEQ web site in on-line stories. The press secretary will also provide at the end of every press release clickable links to and information about: the DEQ Calendar, the Pollution Emergency Alerting System (PEAS) hotline, and the Environmental Assistance Center (EAC) 1-800 hotline. The press secretary will also review policies on issuing press releases for announcements of public hearing and major decisions. These reviews will be conducted by **January 1, 2005**. (3)

**B.4 DEQ program managers should strive to provide meaningful public involvement opportunities appropriate for each situation considering the issues, locations, potential environmental and human health implications, potential for controversy, specific needs of the public and the DEQ, and the time frame for decision-making. For significant decisions, or when there is widespread public interest, the DEQ should use multiple approaches (e.g., meetings, hearings, workshops) for involving the public. The common element should be interaction between DEQ staff and the affected public.**

The DEQ has incorporated several means of encouraging a dialogue with affected interests into its public involvement activities. Further review in some of the more complex public interactions are planned for FY 2005

1. The Public Involvement Work Group has reviewed the DEQ interim policy on public participation and community outreach for controversial actions and determined that it needs to be updated in light of efforts to improve public involvement. A revised policy will be finalized by **September 30, 2005**. (4)
2. For significant decisions, or when there is widespread public interest, the LWMD will develop guidance on how to best use multiple approaches (e.g., meetings, hearings, workshops) for involving the public. The Land and Water Management programs sometimes modify the formal hearing process by adding an informal portion to facilitate information exchange. As part of the prescribed hearing process, the AQD also provides an informal question and answer session for projects that have significant interest. The Geological Survey oil and gas program has a legally

prescribed formal hearing process. The current processes will be carefully evaluated in developing the guidance. A survey form will be developed and given to all participants in LWMD public hearings seeking their feedback and suggestions to improve the hearing process. This evaluation and modification process will be completed by **June 30, 2005**. (5)

3. The WHMD has analyzed the implications of seeking amendments to Part 111 of Act 451 to return decision-making authority to the Site Review Board. This analysis will be considered by the Executive Office **during FY 2005**. (6)
4. The RRD will develop an "RRD Public Participation/Noticing Requirements" matrix, identifying various public participation/noticing opportunities -- statutorily required and/or recommended -- for implementation by RRD project managers at sites of environmental contamination. This matrix will be made available by **August 2005**. (New)

***B.5 The DEQ should provide policy, program, and technical information to the public at the earliest practicable times and throughout the decision-making process. This information should be provided to enable potentially affected or interested persons to make informed and constructive contributions to decision-making. The DEQ should cooperate with and support efforts to provide general training for citizens about how to participate in DEQ decision-making processes and basic primers on common permit-related issues such as those in the air and water quality programs. The DEQ should also develop and implement mechanisms to more effectively convey information about specific proposals before the DEQ. This information should include the facts of the proposal and the opportunities for individuals to participate in the decision-making process.***

With some exceptions, the development or revision of DEQ publications to encourage public involvement proved difficult during FY 2004. Nonetheless, the DEQ supports such efforts and will continue them in FY 2005.

1. The DEQ is developing, in consultation with stakeholders, citizen action guides in the water discharge permitting and air permit programs. The Environmental Sciences and Services Division will complete the air permit program guidebook by **March 31, 2005**. The Water Bureau is assisting a citizen's organization in developing the water discharge permit guidebook, and completion is anticipated by **September 30, 2005**. (1)

2. The DEQ will develop and submit for publication in newspapers throughout the state an article describing how the public can become involved in DEQ activities. Initial focus will be on communities likely to host significant DEQ-related issues. The article will be submitted to at least six newspapers in **FY 2005**. (2)
3. The DEQ will develop training for citizen groups and local officials on public involvement in the DEQ based on the Public Involvement Handbook. This training would be available upon request (as resources allow) at events such as organization annual meetings. This training will be made available during **FY 2005**. (3)
4. The RRD communications team is developing a user friendly "Citizen Involvement in DEQ/RRD programs" type of brochure/fact sheet that will: 1) highlight citizen involvement mechanisms, 2) promote DEQ Calendar, 1-800#, listserver, DEQ webpage, and 3) direct the public to proper authorities re: some major issues that often get misdirected to RRD. This effort will be completed by **May 2005**. (5)

***B.6 The DEQ should enhance coordination and communication with local units of government. Special attention should be paid to local governmental action acting under DEQ programs (e.g., soil erosion and sedimentation control) and in related program areas (e.g., wetland protection). Better coordination could make more efficient use of the resources of both the local unit of government and the DEQ in informing the public of proposals of local interest. The DEQ should provide early informal notification of local officials of controversial projects. Likewise, local government should be encouraged to provide early notice to the DEQ of projects that might be of interest to the DEQ. The DEQ should look for opportunities to provide general education for local officials on environmental topics, such as through training seminars sponsored by governmental associations.***

The DEQ has taken discreet steps to improve the exchange of information with local government officials. Actions that will improve overall communication in the long term are planned for FY 2005.

1. The DEQ will assign staff in each district office the function of liaison for local units of government, including local health departments. Assignments will be made by **January 1, 2005**. (1)
2. The DEQ will work with the Michigan Association of Counties, the Michigan Municipal League, and the Michigan Townships Association, and other appropriate groups to identify the most effective ways to coordinate and communicate with local units of government, especially those acting under DEQ programs, such as soil erosion, and in related program areas. The DEQ will work with these associations on a continuing basis to exchange general information on the DEQ's programs. This process will be on-going **during FY 2005**. (2)

**B.7** *The internet provides an excellent opportunity to improve public participation. The DEQ should make its web page more user-friendly so that people can find the information they need. In addition, the web site should be organized to facilitate public involvement on pending proposals and decisions. The DEQ should provide electronic forms on its website to allow the public to submit comments and observations for DEQ*

The DEQ made significant strides during FY 2004 to improve its web site. The effort in FY 2005 will develop specific on-line applications to facilitate public interaction with the DEQ.

1. The WHMD placed information about the compliance status of the facilities it regulates on-line during FY 2004. Other divisions will follow suit, with the goal of department-wide participation **during FY 2005**. (2)
2. The LWMD is investigating the feasibility and costs of providing electronic forms on the website "CIWPIS on Line" to allow the public to submit comments regarding Land and Water Management program permit actions. A recommendation will be made by **June 30, 2005**. (5)

**B.8** *To further facilitate public understanding and involvement, the DEQ should expand and improve current programs that assist citizens to navigate the DEQ decision-making process. While all DEQ employees have this responsibility to some extent, and should be responsive to citizens needing assistance, the DEQ should consider formalizing a citizen assistance function in some identifiable manner. This could be analogous to the small business assistance function.*

The DEQ has implemented action items to assist citizens in navigating the DEQ decision-making process and will continue on-going actions in support of this recommendation.

***B.9 The DEQ should ensure that all segments of the public have fair and appropriate access to decision-makers within the DEQ, and that no member of the public is favored over another.***

This principle is part of the system of professional values that Director Chester wants to foster among DEQ staff.

1. The Director will issue a statement to all DEQ affirming the system of professional values that he supports among DEQ staff. This statement will be issued by **January 1, 2005**. (1)

***B.10 The DEQ should inform concerned members of the public of the findings and rationale behind decisions. The nature of how this information is provided can be tailored to the nature of the decision, and the number and identity of concerned parties.***

The DEQ has implemented action items to inform members of the public of the findings and rationale behind decisions and will continue on-going actions in support of this recommendation.

***B.11 The DEQ should develop and implement a process for notifying the public of contested cases and proposed settlements in contested case proceedings.***

The quasi-judicial nature of the contested case process has posed challenges for providing information to the public on contested case proceedings. But significant steps are anticipated in FY 2005.

1. The DEQ has drafted a policy for notifying the public of proposed contested case settlements and proposals for decisions in the land and water management cases involving a significant public interest. This policy will be adopted by **January 1, 2005**. (1)
2. The Office of Administrative Hearings will publish on the DEQ web page its case docket and decisions. Web page publication will occur **by May 1, 2005**. (New)