

ENVIRONMENTAL ADVISORY COUNCIL  
Lansing, Michigan  
Thursday, August 21, 2003 – 1:00 – 4:00 p.m.

Members in attendance: Chris Bates, Skiles Boyd, Barry Cargill, Steve Chester, Sally Churchill, Marty Fluharty, Charles Griffith, Chuck Hersey, Dennis Karl for Andrew Hobbs, Steve List, Corky Overmeyer, Scott Piggott for Wayne Wood, Lana Pollack, Del Rector, Donna Stine for Sam Washington, Andy Such, Janet Vail, and Paul Zugger.

DEQ Staff in attendance: Linda Albro Sparks, Frank Baldwin, George Bruchmann, Vince Hellwig, Jessica Iannotti, Lynelle Marolf, Frank Ruswick, and Jim Sygo.

Guest: David Gruber, Michigan Alliance for Mediation and Alternative Dispute Resolution.

## **OPENING**

Frank Ruswick began the meeting with a brief introduction of newcomers. He described that today's meeting will be focusing on finalizing a set of draft recommendations on improving public involvement in the DEQ. After that, the EAC will consider a process for obtaining public review and comment on its draft recommendations. Finally, if there is time at the end of the meeting, the EAC will begin its discussion on a citizen decision-making process.

## **PUBLIC INVOLVEMENT RECOMMENDATIONS**

Frank received a number of comments on the draft document "Public Involvement in the DEQ". These comments were compiled in a revised draft that was distributed to those present. The EAC discussed and adopted the following changes:

### **Introduction**

Amend the second sentence of the first paragraph to read: "The Department of Environmental Quality (DEQ) should provide the opportunity for effective public involvement in Department activities."

Amend the third sentence of the first paragraph to read: "Effective involvement only occurs when the public understands and has a meaningful role in shaping the decisions that will affect their quality of life."

Amend the first sentence of the second paragraph to read: "This document sets forth recommendations of the Environmental Advisory Council (EAC) to assist the DEQ in providing opportunities for effective public involvement."

## **Principles of Effective Public Involvement**

Amend the last principle in the “decision-making process” to recognize the DEQ as needing to be accountable for its decisions.

Amend the last principle in the “meaningful role” section to specify that the DEQ should consider “relevant and timely” comments.

## **Assessment**

Amend the first sentence of the second paragraph to read: “There are, however, opportunities for improvement.”

Delete the third paragraph in its entirety.

Amend the first sentence of the fourth paragraph to read: “In summary, the EAC views the DEQ as an agency that is committed to and values public involvement and one that can improve its public involvement techniques.”

Delete the word “current” in the second sentence of the fourth paragraph.

Amend the third sentence of the fourth paragraph to read: “They are meant to further the opportunity for public participation as an element in the DEQ decision-making process and to foster a spirit of mutual trust, confidence and openness between the DEQ and the public.”

## **Recommendations – The culture of public involvement**

Recommendation 1: Delete the first two sentences. Replace “continue” with “enhance” in the third sentence. Amend the fourth sentence to read: “The DEQ should also consider employing specialists who can bring experience and expertise to these activities.”

Recommendation 2: Delete the first three sentences. Amend the fourth sentence to read: “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.” Amend the fifth sentence by replacing “staff should also be encouraged” with “staff should feel enabled”.

Recommendation 3: Delete the first sentence. Amend the second sentence to read: “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.”

## **Recommendations – Timing and opportunity**

Recommendation 4: Delete “the most” in the first sentence.

Recommendation 5: Combine the first and second sentences to read: “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.” Replace “consider providing” in the third sentence with “cooperate with and support efforts to provide.”

Recommendation 6: Amend this recommendation to read: “The DEQ should enhance coordination and communication with local units of government. This could make 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 on interest to the Department. 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.”

Recommendation 7: Amend the last sentence to replace “register comments in a forum format and register pollution complaints” with “allow the public to submit comments and observations for DEQ consideration/action.”

Recommendation 8: Insert “to” between “citizens” and “navigate” in the first sentence. Insert “employees” after “DEQ” in the second sentence. Replace “the function” in the third sentence with “a citizen assistance function”. Add a new last sentence that reads “This could be analogous to the small business assistance function.”

Recommendation 9: Amend this recommendation to read: “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.”

Recommendation 10: “The DEQ should develop and implement a process for notifying the public of contested cases and proposed settlements in contested case proceedings.”

Delete the recommendation pertaining to alternative dispute resolution.

Remove the former “Accountability” section” and insert it as a new recommendation to read: “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 EAC agreed to remove Item D, which indicated that the issue of a formal public forum remains to be discussed. This issue will be discussed at the next EAC meeting, but

it was thought that including a reference to it in the draft recommendations may be misleading.

The EAC agreed that the draft recommendations as amended should be submitted to the public for review and comment.

### **Public Involvement Plan on Recommendations**

The EAC discussed the method for obtaining public comment on the draft recommendations. Public comment should be invited as broadly as possible. The DEQ should announce the draft recommendations through the DEQ Calendar, a press release, mailings, and on its web page. The draft recommendations should be provided to DEQ employees. EAC members should submit the recommendations to their members and affiliated organizations. It was agreed that the earliest the EAC could consider comments would be at its November 20, 2003 meeting. Frank Ruswick should establish a comment period that provides a maximum amount of time for comment while allowing the opportunity to organize those comments for the EAC to consider in November. The EAC recognized that, in the meantime, the DEQ should proceed with improvements to the public involvement process that are already underway. In addition, the DEQ should begin developing a plan to implement recommendations, recognizing that this plan will change as the EAC refines its recommendations as the result of public comment.

### **Closing Business**

The next meeting of the EAC will be on September 18, 2003. It will include a presentation and discussion on alternative dispute resolution. In addition, the EAC will consider the issue of a formal public forum on environmental issues.

Notes prepared by Linda Albro Sparks and summarized by Frank Ruswick.