

ENVIRONMENTAL ADVISORY COUNCIL
Lansing, Michigan
Thursday, March 17, 2005 – 1:00-4:00 p.m.

Members in attendance: Jack Bails, Bill Beckman, Mark Bertler, Janis Bobrin, Steve Chester, Jim Frey, Kurt Giberson, Mike Johnston, Ellen Kohler, Phil Korson, Terry Link, Lisa Locke, Steven Luzkow, Terry Miller, Paul Murray, Pamela Smith, Bill Stough, and Guy Williams (for Donele Wilkins).

DEQ staff in attendance: Jim Sygo, JoAnn Merrick, Frank Ruswick, Jim Kazprzak, Amy Butler, Vince Hellwig, George Bruchmann, Liane Shekter Smith, Steve Buda, Cheryl Howe, Deb MacKenzie-Taylor, Al Taylor, Lynn Fiedler, and Karen Shaler

OPENING

The meeting began with a welcome to members from Frank. There are numerous new members, so everyone introduced themselves and their affiliations.

WELCOME OF NEW MEMBERS AND INTRODUCTIONS

Frank Ruswick described his role as EAC Meeting Facilitator. The April 21, 2005, EAC Meeting will be held in the Great Lakes Conference Room, 6th Floor South, due to the DEQ's Earth Day/Bring Your Child to Work Day celebration. Frank invited members to participate in those activities, which begin at 9:30 a.m. with opening remarks to be made by DEQ Director Steve Chester, MDA Director Dan Wyant, and DNR Director Rebecca Humphries. The day's activities will wrap up at 3:30 p.m.

Frank mentioned that new members' packets include a roster of members. For those who are not new members, you will be receiving an updated roster at next month's meeting.

CURRENT ISSUES

Director Chester indicated that the DEQ has a mercury utility work group, which is nearing a point where their report might be finalized and recommendations on mercury will be made.

Confined Animal Feeding Operations (CAFOs) is another significant DEQ issue right now. The U.S. Environmental Protection Agency (EPA) passed a CAFO rules package, and the DEQ has new CAFO rules that capture the federal rules. However, the EPA was sued and parts of their rules have been stricken down. The DEQ now needs to go back and review our rules to see if those federal changes affect Michigan's rules.

Tonight is the first public outreach discussion, which will be held in Saginaw Township, to discuss the dioxin framework that the DEQ and The Dow Chemical Company (Dow) entered into and to explore with the public on how to manage effective public outreach.

Frank Ruswick indicated that one issue of concern is solid waste being imported from Canada. Director Chester made a presentation in February before the Senate Natural Resources and Environmental Affairs Committee where five DEQ solid waste-related reports were released. Those reports made recommendations, among other things, on improving recycling and the solid waste planning process. There are currently a couple of legislative proposals for disposal surcharges. The primary issues are: Who is going to pay the cost and who will benefit? Michigan receives about one-third of its solid waste from outside the state. These surcharges would create an opportunity to generate revenue. Michigan has the lowest recycling rate in the Great Lakes Region, so this additional revenue would provide an opportunity to expand recycling programs in Michigan.

Director Chester discussed how the Air Quality Division used the Value Stream Mapping (VSM) process to improve its air permit processing. GM Worldwide Facilities Group has nominated the DEQ for a "Crew Award" that recognizes the teamwork that went into streamlining the air permitting process. The AQD issues approximately 400 permits per year and now have early meetings regarding permit applications with all affected parties. Director Chester is encouraged by VSM process. With VSM, there is a need to institutionalize and it is subject to continual improvements. Director Chester is concerned with the Legislature putting deadlines for permits in legislation.

BUDGET PRESENTATION

Jim Kasprzak gave a PowerPoint presentation on the DEQ budget. See Attachment 1.

The State Budget Office Web site address is: www.michigan.gov/budget. Available at this site is the Fiscal Year 2006 budget and all state department budget appropriations documents.

Jim mentioned that the Land and Water Management Division (LWMD) has also gone through the VSM process, and in the coming months, there will be changes to the wetlands permit processing. Director Chester added that substantive issues were identified; and as a result, the LWMD is putting together a stakeholders work group. The LWMD issues approximately 6,000 permits per year and will be decentralizing some LWMD permit staff to district offices. This was a different kind of challenge than that of the AQD. There is a permitting requirement in Part 315, however, the LWMD will continue to permit dams--just not pursuant to Part 315. The dam owner needs to maintain the integrity of the dam, provide inspections, prepare reports, and provide the reports to local authorities.

A member asked about the responsiveness summary for the Part 401 project since a number of groups provided comments. Frank said it would be prepared as part of the decision-making package. Permit decision-making is subject to public notice and comment. We are legally required to provide a response to public comments.

A member then asked about energy efficiency being implemented in Michigan. Director Chester responded that there is an interdepartmental group on energy efficiency and clean technology. We need to make Michigan a magnet for these new types of businesses. Perhaps there will be an announcement in a month or so on how the DEQ is going to do that. We need to talk with utilities and automotive sectors.

A member then stated that very little was presented about being proactive regarding the budget. Director Chester said Michigan needs to move forward/make progress. The DEQ's Southeast Michigan District Office just moved into a state green building on a brownfield redevelopment site, which is getting a lot of attention. This is a tremendous first step for state government. A member suggested that the DEQ does not reinvent the wheel, as the EPA has an Energy Star Building Program and a Waste Wise Program. Amy Butler mentioned the Environmental Science and Services Division's Pollution Prevention Program is working to move forward in energy efficiency via various ways. Senators Patricia Birkholz and Bruce Patterson have expressed much interest in this issue and moving forward/making progress.

If anyone has questions on the DEQ budget, Jim said to submit your questions to Frank, who will forward them to Jim to get the answers. The House of Representatives is moving forward on the DEQ budget. Representative John Pastor will be chairing the first DEQ House budget hearing on March 23, 2005.

A member suggested giving new EAC members a list of the acronyms used by the DEQ.

Jim wrapped up his presentation by stating that the DEQ's new Warren office building dedication will be held on April 22, 2005, at 9 a.m. Frank will be sending invitations to this event to the EAC members.

COMMUNITY INVOLVEMENT ON THE DIOXIN ISSUE

Frank began this discussion by providing information about this issue, which relates to releases of dioxin from Dow as a result of air emissions and water discharges that resulted in elevated levels of dioxin in the Midland area and downstream. Dioxin cleanup will be on residential property and to the environment (sediments of Tittabawassee and Saginaw Rivers and the Saginaw Bay). There is contamination as a result of flooding. Dow has responsibilities under their hazardous waste management facility operating license. Questions need to be resolved at the community level. As a whole, the community will have to provide input on how to clean up the dioxin.

The Framework sets up a process by which we can get questions/answers to/from the community. The contamination is geographically large, and there are many different groups involved. This approach is new ground for the DEQ. This sets up a process for Interim Response Activities to address in short-term dioxin contamination and on long-term how to provide public outreach. Tonight is the first of four Framework-related meetings with community members. Lynn Fiedler of AQD will be facilitating tonight's meeting. The other three meetings will be held in Midland, the Tittabawassee River area, and the Bay City area. We will be asking questions on how to involve the local community, and it will be a focus group-type effort. The DEQ met with Dow to identify community leaders who should attend these meetings.

Director Chester said it was determined that it might be more productive if there is a more focused discussion initially and then discuss how to frame our outreach effort. He wants to hear what outreach experience EAC members have had and what does/does not work. Director Chester then gave a PowerPoint presentation entitled “DEQ/Dow Framework for an Agreement.” See Attachment 2. Following the presentation, a discussion ensued with issues/questions from the EAC members.

A member inquired about how the operating license remaining in effect is different than the IRAs. Jim Sygo said the operating license is comprehensive with the Dow site but also deals with all on-site activities that need to be addressed. Corrective action is needed on Dow property, and the Framework involves contamination outside of the Dow property. Al Taylor added that once an IRA is approved, it becomes part of the operating license.

A member then suggested it would be helpful to add some reference to the time frame we envision.

Another member wanted to know what the DEQ’s goal is in relation to the public involvement process? Director Chester said one is to continue to provide information and educate the public. The second is where we need to hear from the public and interest groups. If a Trust Fund is established, what should it be used for? We need input from the public as we move forward.

A member stated that we need to be clearer on what our goals are and why we need community input. Another member inquired about the public’s knowledge on dioxin contamination. Frank said there are varying degrees of public understanding and differing opinions as well. Director Chester added that some people just will not accept what direction we are taking. A member stated it was a good idea to provide an interactive Web site with maps, potential ranges of Trust Fund activities, and an on-line poll and on-line conversation.

A member described how the Lone Tree Council (LTC) is a group of volunteers who has been in the Tri-County Area and active with environmental/Dow issues and has also sued/settled with Dow. The member went on to describe the perspective of that organization on the dioxin issue: This is the largest/most important public health issue that the LTC has ever had with Dow. The DEQ is caught in the middle. There is a lot of tension/anger/suspicion/mistrust in the communities and environmental communities. We are not talking about a small amount of dioxin--it’s a huge problem. Dioxin is in the soils and sediments as a result of flooding. Where is the money going to come from? Who is going to direct Dow’s cleanup? The LTC is concerned about these four Framework meetings because only invitees will be a part of this meeting focus group. There have been full-page newspaper ads that legitimize Dow’s misinformation to the community. However, there is not a lot of DEQ correction involving Dow’s effort to win the hearts/minds of communities. Dow also issues community updates. DEQ staff did make an effort to correct the last update. The LTC thought the EAC needs to know this background information as there is a great deal of mistrust with Dow.

A member inquired about the December 2005 Work Plan implementation. Director Chester said there are expectations and criteria. Al Taylor added that when the DEQ gets a Work Plan, it is reviewed. The Work Plan has a schedule that reflects the amount of work.

Director Chester asked whether the bioavailability study is on schedule. Deb MacKenzie-Taylor responded said there may be delays. Director Chester said there are regulatory challenges ahead.

A member asked if the bioavailability study could alter their practices. Director Chester said it could change the cleanup number, currently 90 parts per trillion. We still do not know the entire scope of contamination. Every liable party has the right to propose site-specific criteria. Dow could include a mix of both generic and site-specific criteria.

Jim Sygo indicated that Priority 2 sites will be addressed in 2006 using a survey of property owners to determine property usage. The Framework calls for additional scoping of dredging activities. We will also be proposing work plans for the upper Saginaw River as well.

A member followed by saying that a work plan is process oriented. Do you want citizen/stakeholder input on the details of work plans? The member suggested use of the Web to provide information to community members. The DEQ should expect a wide range of feedback since the community is very diverse.

Another member said the DEQ conducts public meetings well. Meetings degrade when they get out of control. The member agrees with our approach on how to conduct these meetings. However, the public does not want to be “educated”--need to communicate and get feedback. Do not refer to the community as “locals,” they are “residents.”

Another member thought the focus group is good for a start. Have residents asked how they can have their blood tested? Deb said the Department of Community Health has released a fact sheet within the last week on how residents can get tested, which costs between \$1,200 and \$1,500 to get their blood tested.

A member asked if there is any civil action being taken on the Framework. Director Chester said it is not intended to be litigation support for anyone. That member then said pictures help, especially because this area is very large. When talking about education, it would be helpful to look at the Michigan Model in general terms of citizen involvement in environmental issues. It is very effective to convey public health messages through information kids learn about in school and bring home for discussion with their parents.

A member inquired about the expectations of the people who are invited to the meetings taking on additional roles. If so, it will be necessary to provide participants with access to information. Those attendees will be questioned by neighbors/board members, etc. By naming these attendees, they are a target for people to go to for more information as a direct contact. Another member asked if there is any expectation on what the invitees' role is. Frank said no more expectation beyond attending the meeting.

A member asked about who is providing the funding? Frank said Dow has the responsibility to fund the activities as part of their costs of responding to the dioxin contamination. Another member then said there is no problem with providing Dow funding but says any advertisements should only be from the DEQ—not Dow.

Another member questioned whether Dow will be at the meeting. Director Chester said Dow will be at all of the meetings. The DEQ maintains the role as the regulatory decision-maker.

Dow needs to participate in development of community acceptance. That member then stated that the public needs to know Dow is engaged in these meetings.

A member indicated that there is some disagreement of dioxin health concerns. Whatever process the DEQ picks, it is important to build trust. The focus on health implications is correct, but residents will also be interested in property values.

Another member said this is a partnership with Dow because the contamination is historical. Everyone has learned how we treat the environment. It is important to communicate to the community that this is a broad issue, and we need to keep in mind this history.

Frank wrapped up this discussion by stating appreciation of these comments from members.

CLOSING BUSINESS

Frank closed the meeting by once again welcoming new members. We look forward to working with you. Members will still have to deal with construction for some time, so it is best to come in via Washtenaw Street.

Notes and summary by Karen Shaler.