

DRAFT

ENVIRONMENTAL ADVISORY COUNCIL Lansing, Michigan Thursday, February 16, 2006 1:00 – 4:00 p.m.

Members in attendance: Harry Sheehan for Janis Bobrin, Andy Buchsbaum, Steven Chester, Kurt Giberson, Mike Johnston, Terry Link, Lisa Locke, Steve Luzkow, Terry Miller, Paul Murray, Allen Reilly, Debra Rowe, Pamela Smith.

DEQ Staff in attendance: Linda Albro Sparks, Richard Benzie, Amy Butler, Vince Hellwig, Gary Kohlhepp, Lonnie Lee, Lynelle Marolf, Joann Merrick, Amy Perbeck, Frank Ruswick, Liane Shekter Smith.

DNR Staff in attendance: Cara Boucher, Kurt Newman, Ray Rustem.

OPENING

Frank began the meeting with introductions of everyone in attendance. Today we have several DNR and DEQ staff to give presentations on the 2005 State of Michigan's Environment Report.

CURRENT ISSUES

Director Chester noted the recent passage of legislation governing water withdrawals. He characterized this as a significant and historic accomplishment. He commented on the work done by the various interest groups and stakeholders to reach an agreement. This legislation finally fulfills the commitment Michigan made in 1985 under the Great Lakes Charter. Director Chester asked Frank to provide more details on the legislation.

Frank explained that the legislation developed initially in the Senate as a five bill package under the leadership of Senators Patty Birkholtz and Liz Brater. Senator Birkholz convened many stakeholder meetings in order to craft a package that could be agreed upon. EAC member Mike Johnston was personally involved in these discussions. Frank noted a central concept in the legislation is a resource based decision making tool that was developed largely by Dr. Paul Seelbach of the Department of Natural Resources Fisheries Division and Dave Hamilton of the DEQ Land and Water Management Division. That tool focuses on fish population's characteristic to the stream being affected by a withdrawal because there is current data on how fish are affected by water flow and fish populations can act to some extent as an indicator for other resources. A key point in reaching agreement in the Senate was the decision to apply the new regulatory standards in the legislation only to future water withdrawals. Existing withdrawals will be considered under other existing laws, including the Michigan Environmental Protection Act. The primary issue in the House of Representatives was how to treat bottled water. Although the Annex 2001 process had established water in a container of greater than 5.7 gallons as constituting a diversion, it was silent on water bottled in smaller volumes. This was a significant controversy. After some difficult negotiations, the interest groups agreed to consider water in bottles of less than 5.7 gallons as a consumptive use (and not a diversion). However,

water bottling operations using a new water withdrawal will be subject to some additional standards to protect the environment and riparian rights.

EAC members discussed the science-based decision-making framework of the legislation and how it relates to water withdrawal legislation in other states

A member asked Director Chester about the February 9th meeting in Saginaw on the off-site corrective action responsibilities of the Dow Chemical Company. The member expressed a concern that Dow had been allowed to respond to a question about the health implications of dioxin exposure without an adequate counterpoint from the Department of Community Health or DEQ. Director Chester indicated that the DEQ recognized the problems caused by the described situation. The DEQ will do a better job of answering questions and making sure that the Department of Community Health appropriately responds as well.

A member asked about the air emission permit for the Lafarge facility in Alpena and concerns over mercury. Vince Hellwig, Chief of the Air Quality Division, explained that the Department is currently in litigation with Lafarge over mercury controls in the permit. The court will hear oral arguments on March 8, 2006. The DEQ is very concerned about the mercury levels found in a recent test at the facility and is reviewing options to control those levels.

2005 STATE OF THE ENVIRONMENT REPORT

Frank introduced the presentation of the 2005 State of Michigan's Biennial Report. Legislation required the DEQ and DNR to produce the Report every other year. We were assisted this time by Keith Harrison, who previously authored the Report. Last year Keith retired, however, in light of his expertise we retained Keith to author the report again. The law is changed and the report will be produced in three year cycles now. Frank recognized Linda Albro Sparks as a major contributor of pictures to the report.

Director Chester cautioned that the data needs to be considered in its proper context—to describe trends rather than as a snapshot description of the environment. He also indicated that the DEQ will be reviewing the format of the Report prior to its next publication. He welcomes suggestions from EAC members for improving the Report.

Representatives of the DNR and DEQ gave presentations on the major data sets contained in the Report. See Attachment 1.

CLOSING

Director Chester distributed a draft letter to Governor Granholm regarding the DEQ EAC's recommendations on Environmental Justice. The final letter will be sent on Friday, February 17, 2006. Director Chester again thanked EAC members for their work on this topic.

Director distributed plaques to the outgoing members in appreciation for their service. He indicated that one of the best things he did after he was appointed Director was to create the Environmental Advisory Council. Director Chester said it was a pleasure being at these meetings and he appreciated the members' efforts and their generosity in devoting their time and energy to assisting the DEQ.

Departing members expressed their appreciation for the work of Director Chester and Frank in making the meetings productive and meaningful.

Notes by Linda Albro-Sparks; summarized by Frank Ruswick.