

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

Members in attendance: Jack Bails, William Beckman, Janis Bobrin, Andy Buchsbaum, Steven Chester, Jim Frey, Mike Johnston, Ellen Kohler, Terry Link, Lisa Locke, Steve Luskow, Terry Miller, Paul Murray, Allen Reilly, Diane Rekowski, Sue Forest for Debra Rowe, William Stough, Guy Williams for Donele Wilkins.

DEQ Staff in attendance: Linda Albro Sparks, Mark Bishop from Michigan Department of Civil Rights, Brendan Boyle from Department of Community Health, Bryce Feighner, JoAnn Merrick, Dipo Oyinsan, Frank Ruswick, Bob Sills, Jim Sygo.

### **OPENING**

Frank distributed the EAC Meeting schedule for 2006. He explained that once again EAC meetings will be held on the third Thursday of each month. Frank also provided a copy of the newly available publication “The Citizens Guide for Water Permitting”. Frank explained that the publication was developed in response to a recommendation of the EAC on ways to improve public involvement in the DEQ. The publication was authored by EAC member Ellen Kohler.

Ellen explained that the publication is designed to assist those who have some background in water quality protection, including the National Pollutant Discharge Elimination System program, storm water or non-point source water pollution. The project was funded by the Joyce Foundation and is also available on line.

### **CURRENT ISSUES**

Frank asked if any member had questions or comments on a current issue. A member described a discussion with the Dow Chemical Citizen Advisory Panel about health studies concerning Dow workers. Some Panel members were surprised to hear of studies indicating there have been negative health effects since Dow had not presented data to that effect. The member encouraged the DEQ to provide this information to the Midland community. Director Chester suggested that the Department of Community Health might discuss the studies at an upcoming community meeting.

The member also asked about the status of HB 4617 that would limit how property is designated a “facility” under Part 201 of the Natural Resources and Environmental Protection Act. Director Chester indicated that the bill had been reported by the Senate Committee and is awaiting action by the full Senate. The DEQ remains strongly opposed because the bill would make it harder and more expensive to clean up contaminated property.

### **DISCUSSION**

Frank thanked the EAC members who had provided new language for the EAC’s draft recommendations on environmental justice to address issues raised at the October meeting. Frank noted that the most troubling issue appears to be the petition process and so he suggested

that the discussion begin on that topic. Frank indicated that he had a discussion with an EAC member prior to the meeting and thought it would be good to begin with some of the ideas raised in that discussion.

The member summarized a proposal to focus on the process could be how a community could self-designate for special benefits to address environmental justice concerns. These benefits could provide incentives to positive economic development such as those provided by the Cool Cities Program and Renaissance Zones.

A member asked what the criteria for designation would be. Another member suggested that the criteria could include objective factors such as the incidence of low birth weight babies and prevalence of asthma.

A member indicated that local governmental would prefer that governmental officials initiate the self-designation process rather than having it done by the state or directly by citizens. There was a discussion of Renaissance Zone designation occurs, and the advantages and disadvantages of designation being done by the state or upon the initiative of citizens or local government.

A member asked how designation might affect a regulatory decision, such as standards in an air permit. Bob Sills explained that administrative rules in the air program (e.g., Rule 228) do allow site-specific air toxics emission limits based on special circumstances. These circumstances could include high background levels of contaminants or indirect exposure pathways, indicating heightened risk. A member questioned whether there would need to be a cause and effect relationship established between the emission and community health effects. Bob indicated that it would be very relevant if available, but it is not a necessary requirement in order to support a concern for potential health risks.

There was a discussion about the advisability of such an approach and how it might affect economic development. EAC members then discussed how the proposed environmental justice policy and the requirement to develop department-specific environmental justice plans could drive consideration of such issues by the DEQ.

A member raised a concern that the environmental justice policy would ultimately result in impediments to economic development in Michigan. Another member responded that the policy is only the first step in a process of raising awareness and developing solutions to the problems of disparate impacts. The member suggested that fears about what might possibly happen should not prevent us from moving forward in a way that could avoid those negative effects.

Director Chester noted that EAC members continue to have uneasiness about the petition process. He wondered if the EAC would be willing to consider putting the petition process aside for future consideration and moving forward with recommendations without a petition process.

Several members agreed with this approach. Another member noted that some aspects of the recommendations seemed self-contradictory. The member questioned whether, in an attempt to address concerns of EAC members, the guidance in the recommendations was actually becoming ambiguous.

Frank indicated that the recommendations were trying to strike a balance between indicating a clear direction and noting countervailing interests that would need to be considered as

department-plans were developed and the policy was otherwise implemented. It is possible that, as a result, clarity has suffered.

A member noted that the document is focused on environmental justice, but also touches on social and economic justice. The member questioned whether the document should be more narrowly focused or broadened. A member supported narrowing the recommendations to address only environmental justice issues. The member indicated that one problem with the Environmental Protection Agency policy was its attempt to address broader social and economic issues. EAC members discussed how economic, social and environmental issues are interrelated.

A member proposed that the petition/self-designation process be removed from the draft and the EAC move forward with the remaining recommendations. Another member suggested that the recommendations be shortened to focus simply on the principles that would underlie an environmental justice policy and limit discussion of how the policy would be implemented. The EAC discussed these two alternatives.

Frank suggested that there were several alternative directions the EAC could take at this point. He outlined them as:

1. The current version without the petition/self designation process.
2. The current version retaining the petition/self designation process.
3. A simpler statement recommending the principles that would underlie an environmental justice policy.
4. An expanded version that would more explicitly address social and economic issues.
5. Taking no action.

Frank asked for an indication of which of these directions the EAC would like to pursue. The EAC indicated that it was relatively evenly split between the first and third option. Frank noted that the first option could be easily developed from the draft recommendations currently before the EAC. He indicated that he would develop a draft to embody the third option in preparation for the next meeting, if the EAC would provide some direction on what it considered the principles to be included. The EAC discussed how the concepts in the current draft could be retooled into a new version focused on principles, issues related to implementation, and topics for future consideration.

## **CLOSING**

Frank indicated that he would develop two draft sets of recommendations based on the alternatives preferred by the EAC. He will develop these drafts in time for EAC members to review them before the next meeting.

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