

ENVIRONMENTAL ADVISORY COUNCIL
Lansing, Michigan
Thursday, September 16, 2004 – 1:00 – 4:00 p.m.

Members in attendance: Jack Bails, William Beckman, Harry Sheehan for Janis Bobrin, Barry Cargill, Wil Cwikiel, Marty Fluharty, Terry Link, Steve Luzkow, Marisa Evans for Frank Mortl, Paul Murray, Mark Parrish, Pamela Pugh, James Clift for Lana Pollack, Allen Reilly, Debra Rowe, Andy Such, Scott Piggott for Wayne Wood.

DEQ Staff in attendance: Dan Dell, Steve Holmi, Linda Albro Sparks, Mary Ann Dolehanty, Andy Hogarth, Pat Lawton, Frank Ruswick.

OPENING

Frank announced that the Director will be unable to make the meeting today. We are asking for your comments on the Implementation Report of the DEQ for the EAC Recommendations to Improve Public Involvement FY 2004. DEQ staff from the Public Involvement Work Group has joined us today to hear the discussion of that topic. Ken DeBeaussaert and Jim Bredin are here to talk about Annex 2001. EAC members also indicated an interest regarding Concentrated Animal Feeding Operations (CAFO's) and the Water Bureau will be making a presentation on that topic.

Frank described where the EAC will be going beyond this meeting. We have been having a series of discussions on general topics as presented by various DEQ divisions. These presentations have focused on some of the major policy issues facing those divisions. This has allowed EAC members to have discussions on major issues. Some EAC members have had questions about where the EAC is headed and what it is producing. The primary purpose of the presentations was to see how the EAC perceives the major issues before the DEQ. In contrast to last year, these discussions have not to date focused on producing a specific product. However, the focus will now turn more directly to producing a specific product by February, 2005. In order to assist, Frank asked EAC members to identify the major themes involved in the discussions to date. Specifically, what is it about those discussions that draw them together. These are the issues that the EAC will need to focus on. Further, members should consider what the EAC should do about those issues. Originally, Frank had planned that the next two meetings would be focused on water management issues. However, he is now modifying that schedule, and only the October meeting will focus on water management. The EAC will begin focusing more directly on its product at the November meeting. Frank requested that members e-mail comments to the questions he raised to him by November 1st.

Frank reminded members that meeting summaries are available on the DEQ website. Summaries of all DEQ programs were provided to EAC members in their orientation materials. He also indicated that he and Director Chester will review topic suggestions by the EAC to select those that will be most important for the DEQ.

A member asked whether the terms of any EAC members will be extended beyond February. Frank indicated that, during the last appointment process, the Director had decided not to extend the terms of any members as a matter of policy. This was done to help expand the diversity of the EAC. However, Frank has not discussed this issue with Director Chester with respect to the next set of appointments.

Frank also indicated that he plans on discussing with the EAC in February how the EAC can be more productive. In contrast to other well-established citizen bodies, the EAC does not have a long tradition. Therefore, its role is still evolving. A discussion with members will help the DEQ use the EAC in a way that is both beneficial to the DEQ and EAC members.

CURRENT TOPICS

A member indicated that he had asked the Director for a list of stakeholder groups. Frank indicated that Director Chester had asked him to develop that list, but it has not been done yet.

A member asked whether the Remediation and Redevelopment Division (RRD) had changed its policy with respect to providing comments on Baseline Environmental Assessments (BEAs). Another member agreed that these are important tools for industries and financial institutions.

Andy Hogarth responded that the rumor about the DEQ not providing comments on BEAs is not accurate. Because of constraints on resources, he has discussed with staff the level of effort they can put into this task. Specifically, staff has been advised not to engage in continuing resource intensive dialogues over the deficiencies of a BEA. We will, however, continue to provide feedback on BEAs submitted for review. In response to a question, Andy also indicated that fees for BEAs reviews had only been reinstated until July, 2005. These fees cover only about half of staff time devoted to BEA review.

PROGRESS IN IMPROVING DEQ PUBLIC INVOLVEMENT

Frank noted the report provided to the EAC in August describing the DEQ's actions to implement the EAC's public involvement recommendations. He asked the EAC for reactions to this report and how the DEQ was doing overall to improve public involvement.

A member asked about supporting staff in community activities and whether staff is required to report what they do in their communities. Frank distinguished between involvement as private citizen or as a DEQ employee. The DEQ does not collect information on the private activities of staff. In response to a suggestion from a DEQ employee, the DEQ had proposed to the Office of the State Employer that staff be allowed a limited amount of "community service leave", similar to school leave. The Office of State Employer was not favorably inclined towards that suggestion.

A member asked if staff have an allowance that they can tap into to cover professional organization memberships. Frank indicated that payment of memberships in outside organizations has come under increasing constraints because of budget concerns. The Department of Management and Budget has imposed new restrictions on membership fees, even those support memberships of the agency. As a result, the DEQ's ability to support staff involvement in professional organizations by paying membership fees is very limited.

A member reported that industry believes the permit review process has changed for the better. The member has noticed a much more relaxed and open form of communication from the DEQ. The member complimented the DEQ. These sentiments were echoed by another member.

Another member indicated no feedback was received based on inquiries about how the DEQ was doing. This is viewed as positive since if there were complaints about the DEQ, the member certainly would have heard. The member encouraged the DEQ to continue the efforts conducted in the air permitting program through the Value Stream Mapping process. The member also described that members of the regulated community increasingly understand that public involvement can be beneficial to the decision-making process.

Another member reported favorable impressions about the DEQ's public involvement efforts. The member did encourage earlier efforts by the DEQ to alert the public about the issues that could be considered during a given decision-making process. Another member pointed out that the model public hearing statement prepared under the DEQ's public involvement implementation plan was designed to do just that.

A member noted that the report of public involvement activities had indicated that the Director had met with members of the environmental justice community and tribal leaders to improve coordination. The member asked what had come of those discussions.

In response, a member indicated that there had been some specific discussions with tribal leaders on water management issues. Frank also reported on a meeting with tribal representatives and DEQ leadership that Pat Spitzley, the DEQ Tribal Liaison, had arranged. This meeting focused specifically on ways to facilitate better communication.

A member indicated that the agriculture community is in the early stages of learning the benefits of community involvement. They are learning that, through public involvement activities, farmers can get a better understanding about what community feels about their operations.

In response, a member indicated that this was the process his associates began twenty years ago. That learning process is beginning to pay off now. It takes a lot of time and education.

A member noted that, in general, public involvement in the DEQ has improved. This is especially true when a specific decision is involved. In the future, the DEQ should look for ways to better engage the public on policy discussions.

A member applauded the DEQ Executive Office for addressing the contested case process. It is important that the public is informed on what is happening in that process.

A member asked how the DEQ is training employees given the budget situation. Frank agreed that this was difficult under current budgetary constraints. Restrictions on travel, especially out of state travel, have also made it difficult to provide training to employees.

Frank distributed the Draft Implementation Plan of the DEQ for the EAC Recommendations to Improve Public Involvement FY2005 in preparation for discussion at the October meeting. (See Attachment 1)

Frank thanked the members of the Public Involvement Workgroup that attended the EAC meeting.

ANNEX 2001

Ken DeBeaussaert and Jim Bredin from Office of Great Lakes gave a presentation on the Annex 2001 process. (See Attachment 2)

A member noted that hydrological benefits should be the preferred way of providing “improvements”. There are many ways to provide such improvements.

A member asked how “significant adverse impact” is defined. Jim responded that this is an area that we are hoping to get comments on.

Jim noted that under the Annex agreement, transfers from one Great Lake basin to another (except between Lake Michigan and Lake Huron basins) would be considered a “diversion”. We are aware of at least one community in Michigan that has such a situation for its water supply. There may also be some agricultural operations in the Thumb area that would qualify. The Water Bureau is gathering information to see if there are other similar situations.

A member asked where the trigger levels for various types of reviews came from. Ken reported that these are derived, at least in part, from the Great Lakes Charter.

A member described that it is very important to pay attention to the definitions of terms such as consumptive use and withdrawals, in the agreement.

Ken and Jim discussed with the EAC how the current power sharing arrangement under which states can prevent diversions relates to the Annex 2001 agreement. They also noted the difficulties in other states that contain communities drawing water from a Great Lake, but discharging it to another watershed.

A member asked about the political will in each state to sign this compact. Ken responded that the jurisdictions have worked well together, but that the specifics still need to be determined. This will likely occur early in 2005.

CONCENTRATED ANIMAL FEEDING OPERATIONS

Frank introduced the subject by indicating that the EAC had requested a briefing on Concentrated Animal Feeding Operations (CAFOs). Rich Powers and Ronda Wuycheck from Water Bureau were in attendance to discuss this topic. Ronda made a power point presentation and distributed handouts. (See Attachments 3 - 5)

In response to a question, Ronda indicated that the DEQ doesn't know the exact number of CAFOs in Michigan, or whether those numbers are growing.

The EAC discussed how economics encourage or discourage the creation of CAFOs. Some members suggested that imposing new regulatory hurdles on farms increases incentives to create larger operations. Other members suggested that it is the absence of regulations that encourages large operations. It is important to show the true environmental cost of such operations and to prevent them from causing harm. Small operations are actually assisted by creating a level playing field.

A member noted that current market system pushes farmers into larger operations by ignoring other costs. One way to shift the system would be to foster more producer-consumer direct sales on a local basis. This is the model of the "fair trade" movement which is growing quickly globally.

A member noted the effect of population growth on the food production system.

The EAC discussed advances in water treatment systems for farms and how the Farm Bureau and MSU are helping develop new technologies. A member indicated that other environmental regulations, such as those governing the use of compost, can make it difficult to develop and employ new technologies.

A member noted that one difference between a CAFO and small farms is that the small farms can spread dry manure on land. A CAFO needs to use water to wash out stalls. This generates a lot of waste water, creating millions of gallons of tainted water or liquid manure. That's where the environmental problem starts.

CLOSING BUSINESS

Frank closed the meeting with a reminder to review the draft FY 05 Public Involvement Implementation Plan for discussion in October. He also reminded members to send their suggestions on the central issues for EAC discussion and recommendation. These suggestions should be provided, in no more that a paragraph apiece, via e-mail by November 1st.

Meeting notes by Linda Albro Sparks. Summary by Frank Ruswick.