

Below is a side-by-side comparison of the 2009 DRAFT Michigan Environmental Justice Plan and the 2010 Environmental Justice Plan for the State of Michigan and DNRE.

DRAFT Michigan Environmental Justice Plan December 11, 2009	Environmental Justice Plan for the State of Michigan and DNRE December 17, 2010
<p>Public Participation</p> <ul style="list-style-type: none"> Engaging the public is also an opportunity for the DEQ to educate individuals and communities as to the significance of the proposed action and how that action meets or exceeds environmental standard and is protective of human health and the environment. (p. 7) Scheduling of meetings should be sympathetic to those with demanding work schedules, and childcare needs. Agencies should receive input from the community before scheduling these meetings, and should allow parents that have childcare responsibilities to bring along their families. (p. 10) Public comment on revisions to the plan (p.11) <ol style="list-style-type: none"> The public should be given time to comment on substantive revisions before those changes are finalized. Revisions should be subject to a 60 day public comment period. Notice of the comment period and proposed revisions should be made available on the DEQ calendar and in newspapers. The revised plan should be available the DEQ website, local health departments and in hard copy at DEQ district and field offices. Department specific EJ plans should likewise be made available to the public for comment prior to being finalized. 	<p>Public Participation</p> <ul style="list-style-type: none"> Engaging the public is also an opportunity for the DEQ to educate individuals and communities as to the significance of the proposed action, issue or program. (p.14) Community meetings should be organized in a manner that is accessible to the public. Meetings should be conducted in the community at a time of day that accommodates the local citizens. (p. 20) It is equally important for companies to educate communities regarding the importance of a proposed project. (p. 14) Community is defined broadly and includes both tribal and non-tribal residents. (p.14) It is important to remember that many people, who may be affected by environmental justice issues, do not have Internet access or are not comfortable with using computers and other electronic devices. Therefore, it is vital to collaborate with influential local leaders and use other means of communication to reach all potentially affected members of the public. (p. 20) The 2010 EJ plan does not include a section for public comment on revisions to the EJ plan. Instead there is a section on providing feedback to the public. Providing feedback to the public (p. 21) <ol style="list-style-type: none"> Encouraging the public to participate and provide input on decisions is very important. It is equally important for the agency to communicate the results of decisions back to the public in a timely and coherent manner. When providing feedback, consider the following: <ol style="list-style-type: none"> Developing a response to comment document. Consider developing a responsiveness summary of the issues and providing it to the public. Develop a list-serve. Share information with community leaders.

<p>Integration into DEQ Activities</p> <ul style="list-style-type: none"> • Compliance and Enforcement (p. 13) • When department resources are limited, prioritize enforcement, monitoring, inspections, and compliance, response to complaints and remediation activities within one mile of level 1, 2, and 3 potential EJ areas of concern. • Incentive Programs (p. 13) <ol style="list-style-type: none"> 1. DEQ should provide additional consideration to awarding grants, loans and other incentive programs to EJ communities. 2. Additional incentives for brownfield redevelopment should be developed. 3. The DEQ should provide EJ communities assistance with grant applications. • Pilot Sustainable Alternative Agreement Process (p. 17) <ol style="list-style-type: none"> 1. DEQ should work with the Interdepartmental Work Group to develop a pilot Sustainable Alternatives Agreement process. 2. The Sustainable Alternatives Agreement is a contractual agreement between a person proposing a project, an interdepartmental work group, and/or the community stakeholder group that uses incentives to encourage economic development and address disproportionate impacts in the affected community. 	<p>Integration into DNRE Activities</p> <ul style="list-style-type: none"> • Compliance and Enforcement (p. 16) <ol style="list-style-type: none"> 1. Each DEQ division should develop a written statement how EJ considerations will be used in its compliance and enforcement activities. At a minimum this should include: <ol style="list-style-type: none"> a. Prioritizing monitoring, inspections, compliance, and enforcement activities in EJ communities. b. Promptly and completely responding to complaints of illegal environmental activities in EJ areas. c. A process for targeting compliance inspections to ensure that emitters of pollutants and discharges in EJ communities are meeting their legal obligations to control those emissions and discharges. • Incentive Programs (p. 16) <ol style="list-style-type: none"> 1. Recognize project applicants who voluntarily address EJ community concerns. 2. Existing recognition programs could be expanded to incorporate EJ activities. 3. Develop case studies to promote successful examples of EJ activities. 4. Provide additional consideration to awarding grants, loans and other incentive programs to EJ communities. 5. Additional incentives for brownfield redevelopment should be developed. 6. Provide EJ communities assistance with grant applications. • The 2010 EJ Plan does not include a section on the Pilot Sustainable Alternative Agreement Process.
<p>Disparate Impacts Assessment</p> <ul style="list-style-type: none"> • DEQ will employ the following approach to identify potential EJ areas of concern which will then trigger implementation of EJ measures, methods and principles: (pg. 20) <ol style="list-style-type: none"> a. When a proposed project or activity is located within one mile of a level 1, 2, or 3 potential EJ area of concern as identified by U.S. EPA EJ screening tool; and b. The project is of the type and size criteria are met. • When drafting its EJ plan, each state agency 	<p>Disparate Impacts Assessment</p> <ul style="list-style-type: none"> • For projects that require public outreach, such as major permits, the following approach will be employed to determine if <u>enhanced</u> public outreach will be implemented by the department: (pg. 9) <ol style="list-style-type: none"> a. When a proposed project or activity is located within one mile of a level 1, 2, or 3 potential EJ area of concern as identified by U.S. EPA EJ screening tool; and b. The project is of the type and size such that a public comment period is required.

<p>should include clear identification of specific projects or activities that would meet the threshold standards. (pg. 21)</p> <ul style="list-style-type: none"> For DEQ, this means that any project meeting the following threshold criteria and located or to be located in an EJ area of concern will be subject to the EJ methods, measures and principles identified in this plan: (pg. 21) <ol style="list-style-type: none"> NPDES permits under the federal CWA with discharge at or above 50,000 gallons per day. Air Permits to install (PTIs) that require a public comment period. Waste permits-landfills, disposal and recycling facilities. Large CAFO permits. Prioritizing monitoring, inspections, enforcement, remediation, and compliance assistance activities. Other projects identified by the department as a significant community concern or identified pursuant to the EJ Work Group petition process. 	<p>Examples include, but are not limited to:</p> <ol style="list-style-type: none"> NPDES permits that are classified as major by the CWA. Air permits to install (PTIs) that require a public comment period. Waste permits for landfills, disposal and recycling facilities that require a public comment period. Mining permits that require a public comment period. New CAFO permits. Other projects identified by the department as a potential EJ concern. <ul style="list-style-type: none"> It is recognized that EJ activities should not be limited to projects that involve formal public participation. (pg. 9)
<p>Interdepartmental Integration</p> <ul style="list-style-type: none"> An interdepartmental working group will be established. (p. 22) The Director or a deputy director from each department shall represent the department on the interdepartmental working group. (p. 22) The Chair of the interdepartmental working group will be the Director of the DEQ, and the co-chair will be the Director of the Department of Civil Rights. (p. 22) The interdepartmental working group will be responsible for the review and consideration of EJ complaints filed pursuant to the petition process. Other duties include: (p. 22) <ol style="list-style-type: none"> Identifying state departments that could benefit from an EJ plan. Assisting departments in the development of an EJ plan. Recommending performance goals and measures for state departments with EJ plans. Reviewing the progress of state departments in compliance with EJ plans. Recommending measures to further promote EJ. The Governor's Environmental Policy Advisor will serve as the Environmental Justice Coordinator for the State of Michigan. (p. 23) 	<p>Inter-agency Cooperation</p> <ul style="list-style-type: none"> An interdepartmental working group should be established via a Memorandum of Understanding. (p. 22) These department representatives should be members of the department's senior management team. The Chair of the interdepartmental working group should be the Governor's Environmental Policy Advisor. (p. 22) In considering issues to address, the interdepartmental working group should place emphasis on those issues that transcend departmental jurisdictions. In addition other duties should include: (p. 23) <ol style="list-style-type: none"> Identifying state departments that could benefit from an EJ plan. Assisting departments in the development of an EJ plan. Recommending performance goals and measures for state departments with EJ plans. <i>Interacting with tribal governments regarding EJ issues with tribal implications.</i> Reviewing the progress of state departments in compliance with EJ plans. Recommending measures to further promote EJ.

<ol style="list-style-type: none"> 1. The EJ Coordinator will meet at least quarterly with the Interdepartmental working group to discuss EJ complaints received, reviewed and/or acted on in the previous quarter, any EJ plans prepared by state departments and any other interdepartmental working group EJ activities. 	<ul style="list-style-type: none"> • Cooperative Activities (p. 23) <ol style="list-style-type: none"> 1. It is important for the DNRE to identify programs and funding sources with which to cooperate that have EJ benefits. 2. The Interdepartmental working group can be a focal point for coordinating these activities. 3. Towards these DNRE has already engaged in cooperating with agencies and programs.
<p>Petition Process</p> <ul style="list-style-type: none"> • Executive Directive 2007-23 requires development of a mechanism by which minority and low-income communities can assert adverse or disproportionate social, economic or environmental impacts upon a community and request responsive state action. (p. 24) • The interdepartmental working group is established to accept petitions lodged pursuant to this process. (p. 27) • The DEQ will appoint an environmental justice advocate to assist in the petition process. (p. 27) • The DEQ environmental justice advocate should work with the community and the relevant agencies to gather information to present to the committee for its consideration. (p. 27) • On a rolling basis, the interdepartmental working group should consider petitions and supporting information to determine whether to accept the petition and develop an action plan. (p.27) • The interdepartmental working group should accept and consider public input before acting on a petition. • If the interdepartmental working group decided to not accept a petition, it should explain what other steps the community can take to resolve the problem. • In response to a petition an action plan should be developed by the interdepartmental working group, DEQ EJ advocate and the relevant agency. (p. 28) • The action plan should include specific community deliverables, a timeframe for implementation, and a description of the resources available. (p. 28) 	<p>Petition Process</p> <ul style="list-style-type: none"> • The 2010 EJ Plan does not include a chapter on petition process. • The 2010 EJ Plan states that “The Environmental Justice Working Group considered recommending a petition process, but in the end did not agree on this or another mechanism for members of the public, communities and groups to assert adverse or disproportionate social, economic or environmental impact upon a community and request responsive state action.” (p. 22) • The 2010 EJ Plan directs the interdepartmental working group to consider developing their own mechanism for receiving input from members of the public, communities, local governments, tribes and others not represented on the interdepartmental working group who wish to request a response from the state regarding environmental justice concerns. (pgs. 22-23).

<ul style="list-style-type: none"> The interagency working group should prepare an annual progress report on the petition process, including a description of the petitions submitted and the outcomes. (p. 29) 	
<p>Tribal Consultation</p> <ul style="list-style-type: none"> The 2009 EJ Plan does not include a chapter on Tribal Consultation. 	<p>Tribal Consultation</p> <ul style="list-style-type: none"> The EJ Plan includes a mechanism for tribal consultation when EJ concerns have tribal implications or the potential to impact the health and environmental well-being of communities of tribal members. (p. 28) The interdepartmental working group will implement the following general guidelines to establish this mechanism for tribal consultation: (p. 28) <ol style="list-style-type: none"> All federally recognized tribes will be notified of the formation of the interdepartmental working group and the Michigan EJ plan. All tribes will receive notification of interdepartmental meetings, opportunities to participate and the availability of meeting minutes. Issues considered by the interdepartmental with tribal implications will include measures for consultation with affected tribal government(s).
<p>Role of Local Units of Government</p> <ul style="list-style-type: none"> Local Units of Government should be encouraged to: (pgs. 30-31) <ol style="list-style-type: none"> Establish a process to assist community groups to receive resources. Ensuring that all pertinent local government agencies as well as state agencies are involved in permitting processes. Using a public notice process to insure that notifications reach the proper audience. Revising local codes so that they are sensitive to cumulative impacts within communities and ensure compliance with environmental regulations and building codes. Hold public hearings regarding EJ during the zoning ordinance review and revision process. 	<p>Role of Local Units of Government</p> <ul style="list-style-type: none"> Local Units of Government should be encouraged to: (pgs. 31-32) <ol style="list-style-type: none"> Assist individuals and community groups to receive resources. Participate with state agencies on outreach projects, including assisting state agencies in distributing public notices. Ensure compliance with local environmental regulations and building codes. Conduct public outreach for projects that require local approvals in potential environmental justice areas.