

CommentsFrom: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:38 AM
To: Crawford, Linda (DNRE)
Subject: FW: Comments

From: Virginia Jones [mailto:Jones1911@att.net]
Sent: Fri 12/25/2009 12:02 PM
To: DEQ-EJplan
Subject: Comments

I am disappointed that there were no representatives of faith-based groups concerned with environmental issues - a lot is being done and has been done by some faith-based groups on this topic.

I think that the 2 pillars of environmental justices indicated in the plan and the definition of environmental justice presented are weak and in fact do not describe environmental justice at all but rather speak to social justice and public health in relation to environmental problems. To truly be an "environmental justice" plan - it needs to be broadened to incorporate the impact of decisions and policies on the health and well being of the natural community as well. Some countries even go so far as to require a "spokesperson" for the natural environment in key decisions.

While I think the goals presented are admirable - I think you need to change the title of the plan to better describe what it is really addressing- which is only a small segment of what is meant by "environmental justice".

Thank you for the efforts you are making.

Dr. Virginia Jones

From: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:54 AM
To: Crawford, Linda (DNRE)
Subject: FW: lake michigan

From: garyinch@chartermi.net [mailto:garyinch@chartermi.net]
Sent: Sun 12/27/2009 8:44 PM
To: DEQ-EJplan
Subject: lake michigan

Hi there, I just wanted to say it is ludicrous to not allow owner of beach front property , to groom and keep up there property, most of the tax money comes from people wanting to come to our beautiful beaches in traverse city, and now they are getting to be just swamp land. with bugs and slimy creatures coming ashore. All the permits that are issued are costly if you are lucky to get one. If tourism ends in traverse city, it will be the doom of our economy. The only money we make up here is from may to september, and with lousy beaches that will put a permanent end to anyone coming to relax on our beaches. Thanks for you time, but really needs to be addressed soon, as they are getting nasty fast.

FW: Draft Environmental JusticeFrom: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:54 AM
To: Crawford, Linda (DNRE)
Subject: FW: Draft Environmental Justice

Attachments: Mime.822; Draft Environmental Justice

From: DEQ-OfficeOfCommunication
Sent: Mon 1/4/2010 12:26 PM
To: DEQ-EJplan
Subject: FW: Draft Environmental Justice

-----Original Message-----

From: lightwish2@gmail.com [mailto:lightwish2@gmail.com]
Sent: Monday, December 28, 2009 12:39 PM
To: DEQ-OfficeOfCommunication
Subject: Draft Environmental Justice

To Whom it may concern;

I have not yet completed reading this new instruction but was immediately struck by the injustice of your MDEQ Environmental Justice Decision Making Tree.

If there is Title VI protected group or minimal minority groups within a mile you look for adverse impact.

If neither of these are present then you take no further action. This in itself constitutes discrimination to anyone or anything that is not in the two above groups.

Why not immediately look for adverse impact for all people or environment and discriminate against no one?

I would also like to call attention to a phenomenon that I observed when I worked in the Environmental arena. When a landfill or factory was built it was usually out in the middle of no where. Due to this, the cost of land in that area was cheaper than other areas which encouraged minorities and low income people to move to that area. Over time they would then complain about the impact from these sources. I don't think that people who move into areas where undesirable operations are already in existence should be compensated for making a poor decision. Our governments, state or federal should be not be unjust to these business either. They are under strict regulations before they start and people moving into these locations should be fully informed of their existence and not have a right to complain after the fact.

So called Political Correctness has gone too far. Be fair to all people and you won't have to be black mailed by certain minority groups. It is no more unjust to discriminated against a select majority group either.

Sincerely
Jeri LeRoi

From: DEQ-EJplan
 Sent: Thursday, February 04, 2010 10:54 AM
 To: Crawford, Linda (DNRE)
 Subject: FW: Proposed Environmental Justice Plan Program

From: Kent A. McNeil [mailto:confederatex10582z9965@torchlake.com]
 Sent: Mon 12/28/2009 5:13 AM
 To: DEQ-EJplan
 Cc: 'Jack'; Cheryl Walton; 'arden farm'; 'Alan Martel'; 'isaiah'; 'Jeff Hills'; j-r-massey@sbcglobal.net; jullettel@bellsouth.net; Bark2Ly@aol.com; Bill@worldnetexpress.net; 'bigkozmo'; 'Nancy Winzeler'; 'Bill Munro'; grump@worldnetexpress.net; g.s.anton@live.com; geeduh@yahoo.com; kimberb@wtcmradio.com; kpmcneil56@hotmail.com; 'Norm Jones'; wetlandsagg@aol.com; snowman@worldnetexpress.net; 'saudia l'; mikosp@chartermi.net; 'Marvin Elsesser'; mitche@grar.com
 Subject: Proposed Environmental Justice Plan Program

To whom this may concern:

The Nationalist Fascist (Nazi)s in the Michigan Department of Environmental Quality (MDEQ) have arrived and there is no shame in their game! Private land is a corner stone of our God given Rights possessed by every American! This plan will reduce our private land to nothing more than public lands controlled, regulated, and possessed by Nazi)s under the guise of "justice" and "equality" for the underprivileged for whom Americans are accused of stealing their private land from. In Michigan, it is a crime to accuse another of a crime without proof or charge!

I can't think of a plan that will ignite a blow-back against this kind of taking, draconian regulations, and control of our private land than your proposed "environmental justice plan program" for Michigan. After carefully reading this document, I can say with confidence, this came directly from the United Nations Nazi)s and Agenda 21.

The proposed program will certainly wake up many fence sitters who just could not bring themselves to believe that those we have elected to office have sold us out to the UN Nazi)s and are actively working hard to eliminate private ownership of land in America!

Not on my watch as an American! Once again we may find ourselves pledging our lives, our sacred trust to each other, and all that we possess to stop you Nazi)s from destroying private ownership of land in America. Americans have fought a war for much less, (taxation without representation) and will fight again when it becomes necessary.

Keep pushing your Nazi agenda in the MDEQ, the blow-back is coming your way! Maybe you have forgotten, it is our tax dollars you are spending to take our private lands with! Time to eliminate our tax dollars from funding your Nazi agenda in the MDEQ.

Kent A. McNeil

From: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:55 AM
To: Crawford, Linda (DNRE)
Subject: FW: public comment

Attachments: outline update 09.doc

From: Wayne Vermilya [mailto:waynevermilya@gmail.com]
Sent: Mon 12/28/2009 2:40 PM
To: DEQ-EJplan
Subject: public comment

There is no such thing as environmental justice when there is money to be made and the Michigan Dept. Environmental Quality, or DNR (Damn Nature Rapers) or what ever you want to call the supposed to be regulators. They are working for the private sector and not the public interest. I submit the following example, an outline of events that led to the construction of an impending environmental disaster.

Respectfully submitted
Wayne Vermilya

Events Leading to the Current Status of the Presque Isle County Solid Waste Plan

1. Original Montmorency-Oscoda Landfill plan called for 160 acres of land to be acquired from the State of MI. 1978, Forty acres are in current use.
2. Original solid waste plan for Presque Isle Co. approved in August of 1985. This plan called for all refuse to be transported out of the county. Refuse currently transported to Montmorency-Oscoda Landfill.
3. Private developer applied for a Special Use Permit from Presque Isle Co. Planning Commission in April of 1986. Public Hearing held in Presque Isle County Courthouse May 29, 1986, packed with public opposition. Request delayed due to zoning conflict. Letter dated May 29, 1986, from the chairman of the Presque Isle Co. Board of Commissioners to the Planning Commission states "since the reason for not including a landfill in the Solid Waste Plan was simply the economics of local government, we do not believe that the establishment of a privately financed landfill is inconsistent with the plan as adopted." May of 1986, the DNR visited the private developer's proposed site and wrote an Advisory Analysis indicating the steps necessary to obtain a construction permit.
4. Private developer purchased 179.9 acres in Allis Twp. Presque Isle Co, in June of 1986 in the name of Allis Park Sanitary Landfill.
5. Sensible Alternatives For the Environment Inc. (SAFE) organized in June of 1986.
6. Second Public Hearing with the Presque Isle Co. Planning Commission held on June 26, 1986, in the Onaway High School. Public opposition continues. Attorney for Allis Twp. presented briefs pointing out that a sanitary landfill type II was not in compliance with the duly adopted Solid Waste Plan for the County of Presque Isle.
7. Summer of 1986. Allis Twp. meeting, Chairman of the Presque Isle County Board and Representative Pridnia attended, election year. Pridnia told all in attendance that, "the landfill issue for Allis Twp. was dead."
8. June 30, 1986. Tyrone Black, geologist with the DNR met with SAFE to discuss local geology. Mr. Black is the geologist who studied the sinkhole chain in northern MI and wrote articles concerning this for the DNR.
9. July 1986. Allis Twp. Board on the record to request the County Board of Commissioners to re-appoint a Solid Waste Planning Committee to address the issue of solid waste in the county confines. Allis Twp. also requests that the county consider working with NEMCOG's Regional Solid Waste Planning Committee.
10. August 19, 1986. Larry Thornton, District Supervisor of the Ground Water Quality Division of the DNR notified the private developer that the DNR has determined

that the Presque Isle Co. Solid Waste Plan does not provide for the construction of a sanitary landfill within the county. Letter states to, "further pursue development of the proposed facility he must initiate an amendment to incorporate said proposal in the plan under procedures set forth in P.A. 641."

11. September, 1986. The Cheboygan Tribune interviewed the private developer. Developer quoted "when I found the Onaway site it was like it was dropped from heaven." Also quoted, "the DNR asked him to see if he could construct a landfill in northern MI and his setbacks can be attributed to election year politics. The DNR is for us but we live in a political world."
12. Dec. 10, 1986 Presque Isle Co. Board of Commissioners passes a resolution saying that the proposed landfill is consistent with the Presque Isle County Solid Waste Mgt. Plan. Chairman (Whitsitt) requests that the DNR implement steps to process the private developer's permit application. This did not happen.
13. Spring of 1987. Co. Board appoints members to a Solid Waste Planning Committee. May 20, 1987, first planning committee meeting. The committee continues to meet for over a year. After no resolve, NEMCOG was designated as the planning agency but the county retains its own planning committee.
14. July 19, 1988. The plan written by NEMCOG was completed. The plan was followed by a 90 day public review period. Sept. 15, 1988, Public Hearing held, opposition continues. November 23, 1988. Presque Isle Co. Board of Commissioners approved the plan by a vote of 6 to 2. 1989. The Solid Waste Plan failed to receive the required 67% approval when submitted to local units of government within the county. County Board refuses to assume the responsibility to rewrite the plan. It was then turned over to the DNR in accordance with P.A. 641.
15. April 19, 1989. Allis Twp. sends letter to Al Howard, Chief Waste Mgt. Division DNR, to offer assistance, etc. No reply received.
16. Dec. 19, 1989. Meeting between the DNR and the municipalities that rejected the plan. Allis Twp. given 8 days notice of this meeting. The next day, a state car (license no.094778) was seen at the proposed landfill site.
17. During 1989 the Montmorency-Oscoda Landfill Board applied for 40 of the remaining 120 acres from the State of MI to expand their site. No answer received.
18. During 1990 the Crawford-Otsego Landfill received approximately 200 acres of land from the State of MI for site expansion. Cost Apx. \$1.00.

19. December, 1989 through February, 1991. The DNR prepared a Solid Waste Management Plan Update for Presque Isle County. The draft for Presque Isle Co. Solid Waste Plan was published in February, 1991.
The plan allows for one type II sanitary landfill and allows for the import of waste from nine additional counties (pg. B-3).
The operator must supply to the county documentation of groundwater monitoring activities at the landfill.
The Plan addresses "Dominating Factors Affecting Solid Waste Management" The location of a landfill would have to be carefully scrutinized for potential effect on the county's groundwater resources. (pg. D-2).
The Plan names Montmorency-Oscoda and Crawford-Otsego Landfills and states that these two landfills, "have the capacity to serve the entire region." (pg. E-25)
The Plan does not name a site. States that "two of the proposed developers already own numerous acres of land capable of handling Presque Isle County's waste disposal for the next twenty years.
20. Public Hearing held at the Rogers City Courthouse on February 28, 1991. DNR officials emphasized the point that the plan does not name a site. Public opposition continued.
Allis Twp. Attorney requested formation of a task force to work with the DNR to improve siting criteria in the plan.
21. March, 1991. The Montmorency-Oscoda Landfill Board received notice from the DNR that they could purchase 6 of the promised remaining 120 acres at a cost of \$11,000. Any additional landfill area denied.
Montmorency-Oscoda Landfill is required to have a Remedial Action Plan completed by August 1, 1991. Estimated cost \$180,000.
22. March 5, 1991. Allis Twp. meeting
District 1 Commissioner Neil Whitsitt invited to attend. It was requested that said commissioner propose to the Presque Isle Co Board at their next meeting that the county write a letter to the DNR requesting the return of the Solid Waste Plan to the county. Allis Twp. proposed to cover the estimated cost of \$3500 to reinstate a County Solid Waste Planning Committee.
23. March 12, 1991. Allis Twp. hired the firm WW Engineering & Science Inc. to evaluate Presque Isle County for potential landfill sites.
24. March 13, 1991. Presque Isle County Board meeting
Motion made to request return of the Solid Waste Plan from the DNR to the county. Motion defeated.
Proposal made to form a citizens committee to work with the DNR in revising the plan. Proposal defeated.

After departure of Allis Twp. board members and residents, Chairman of the Board of Commissioners introduced a letter to the DNR proposing changes to the Presque Isle Co.. Solid Waste Management Plan.

25. April 10, 1991. Presque Isle Co Board endorses W&W Engineering's concept and map presentation and supports their presentation to the DNR At this meeting the engineering firm presented the board with maps of the entire county showing possible areas geologically suitable for a landfill site. County Clerk fails to notify DNR of Co. Boards support.
26. July 29, 1991. Five year update of the Presque Isle Co. Solid Waste Plan was issued by interim DNR Director Delbert Rector, an Engler appointment serving 6 weeks as director
27. August 28, 1991. A sinkhole at Shopac Lake (located apx.2.5 miles from the proposed landfill site) becomes active.
The event was videotaped by SAFE members
DNR documented size and depth etc. and closed the area to public access.
Sinkhole activity also recorded by TV 9&10 News.
28. September 23, 1991. Developers Hydro Geological Report is made public. W&W Engineering and Science to review report
29. October 10, 1991. Presque Isle Co. Board of Commissioners Solid Waste Sub Committee meets with Montmorency-Oscoda Landfill Board members to discuss an agreement to send Presque Isle County's waste to the Montmorency-Oscoda Landfill. Agreement was proposed by Montmorency-Oscoda, Presque Isle Co. Board takes no action to amend the Presque Isle Co. Solid Waste Plan.
30. October 31, 1991. District 1 Commissioner Neil Whitsitt resigns from the Presque Isle County Board.
31. November 16, 1991. Michigan Karst Conservancy adopts a resolution for additional hydro geological testing at the proposed Allis landfill site due to the active karst area.
32. November 25, 1991. Montmorency-Oscoda Landfill receives deed for additional forty acres to be used for expansion of their facility.
33. November 27, 1991. Allis Township officials and attorney presents Presque Isle County Board of Commissioners with W&W Engineering's evaluation of the Hydro Geological Report for the proposed site.
Shopac video shown to the Presque Isle Co. Board (sinkhole located 2.5. miles from the proposed landfill site.
Presque Isle County Board votes 4 to 3 that the landfill proposal is consistant with the Presque Isle County Solid Waste Management Plan.

Allis Township is not represented on the board due to the resignation of the District 1 Commissioner.

34. December 2, 1991. Barry Zinke, representing City Environmental Services, new owners of the Crawford-Otsego Landfill, submits a bid for the operation and disposal rights for the transfer station located in Rogers City.
Rogers City City Council awards contract to City Environmental Services effective Dec. 15, 1991.
35. December 15, 1991. SAFE receives information from DNR Atlanta that the sinkhole at Shopac Lake is still active.
36. January 8, 1992. Presque Isle Co. Board of Commissioners meeting
Vice-president from City Management Corp. (new owners of the Crawford-Otsego Landfill) addressed the board and offered a "no harm" contract and a twenty year commitment for disposal of Presque Isle County solid waste.
Attorney for Allis Twp. also addressed the board stressing the changes which have taken place in the recent months and the need to reconsider the county's solid waste plan.
SAFE attorney encouraged the board to seek amendments to the plan and to carefully consider their responsibility to protect the resources and the residents of this county (as stated in the Environmental Protection Act).
Don McLennan, Prosecuting Attorney for Presque Isle County, stated his personal concerns about a landfill being located anywhere in this county due to it's Karstic features. He states that if the plan needs to be amended that applicants seeking to amend the plan should file a "Notice of Intent" with NEMCOG (the county's designated solid waste planning agency).
37. January 24, 1992. SAFE Inc. files Notice of Intent to amend the Presque Isle County Solid Waste Plan.
38. February 11, 1992. Presque Isle County Board of Commissioners meeting.
Allis Twp. formally requests to leave jurisdiction of the Presque Isle County Solid Waste Plan to join the Montmorency County Solid Waste Plan.
The motion fails 4 to 4.
Newly elected District 1 Commissioner Louie LeCureux makes a motion to repeal the Nov. 27, 1991, consistency determination. The motion fails 4 to 4.
The following day the Montmorency Board of Commissioners unanimously votes to approve Allis Twp's request to join their solid waste plan.
39. February 12, 1992. Allis Twp.'s attorney appeals to the Director of the DNR to allow Allis Twp. to join the Montmorency County Solid Waste Plan.
40. April 13, 1992, Pat Spitzley , Solid Waste Division DNR, reports her opinion that Allis Township should be allowed to join Montmorency County's Solid Waste Plan.
April 14, 1992. Seth Phillips, Solid Waste Division DNR, reports to Dennis Drake,

Acting Chief of the DNR Waste Mgt. Division, that Allis Twp. should be released from the Presque Isle County Solid Waste Plan and allowed to join the Montmorency County Solid Waste Plan.

April 20, 1992. Seth Phillips reports to Dennis Drake that he has changed his mind and now felt Allis Twp. should not be allowed to leave the Presque Isle County Solid Waste Plan.

41. April 30, 1992. First Public Hearing with the DNR concerning the landfill permit application.
Approximately 350 people in attendance
W&W Engineers, along with other recognized experts, raise technical concerns over the site suitability.
District 4 Commissioner, Mitzi Chiron, publicly states her opposition to the proposed site.
42. June 8, 1992. Public meeting with DNR. SAFE records video tape of meeting.
Public opposition continues.
43. June 8, 1992. Dr. Quinlan, internationally recognized karst expert, tours the local area observing sink and swallow holes in the area of the proposed landfill. He also tours the proposed site with the developer.
Dr. Quinlan's Report, received June 15, 1992, addresses four major and two minor issues which need to be resolved.
44. June 10, 1992. Delegation from Allis Twp. and SAFE attend meeting of the Natural Resources Commission in Escanaba.
Director of the DNR and the chairman of the NRC assured those present that the concerns raised would be thoroughly investigated before the DNR would consider issuing a construction permit for the proposed Allis Park Landfill.
45. July 1, 1992. Allis Twp. and SAFE file lawsuit against the developer, the Presque Isle County Board of Commissioners, and the DNR.
Circuit Court Judge Kowalski issues a temporary restraining order and schedules a hearing for July 9, 1992.
46. July 6, 1992. DNR issues construction permit to Allis Park Sanitary Landfill.
47. July 9, 1992. Hearing to seek injunction against Allis Park Sanitary Landfill held in Rogers City. Purpose of the suit was to allow for further testing recommended by Dr. Quinlan
48. July, 13, 1992. Judge Kowalski dismisses suit and construction of the landfill begins.
49. July 20, 1992. Public hearing held regarding amendments proposed by SAFE to the

Presque Isle County Solid Waste Plan

August 28, 1992. Presque Isle County Board of Commissioners approve amendments to the Presque Isle Co. Solid Waste Plan.

October 13, 1992. Amendments are approved by the required number of municipalities. Final DNR approval still necessary.

50. Oct. 26, 1992. Governor Engler, when faced with a protest in Onaway, states that "we have done a lot for the environment, one of the things is we're trying to keep it from becoming a political football." Later, Engler's motorcade is seen touring the site.
51. November 4, 1992. Allis Twp. Board adopts an interim ordinance for the local regulation of sanitary landfills in Allis Twp.
52. January 15, 1993. Complaint filed by Allis Park Sanitary Landfill seeking to restrain and enjoin Allis Twp. from enforcing local ordinances regulating sanitary landfills.
53. January 18, 1993. SAFE, Bruce and Lois Price, Aaron and Thelma Curtis, Allis Twp. board members, and attorneys notified of motion to tax court costs from lawsuit of July 9, 1992.
54. February 17, 1993. DNR director disapproves the SAFE amendment to the Presque Isle County Solid Waste Plan.
Crawford County Amendment locally approved
SAFE resubmits the Presque Isle Amendment
March 25, 1993, Seth Phillips letter refusing to accept re-submittal
April 14, 1993, DNR staff recommend approval of Crawford Co. Amendment
Crawford Co. Amendment is signed by the DNR director.
- 55.. February 19, 1993. Special Twp. Board Meeting. Board approves settlement of all pending lawsuits as recommended by attorney Jim Young, retained by Allis Township's insurance carrier.
56. Summer of 1993. SAFE members question DNR regarding the underdrain to control the artesian and P.A. 641 rules. (problems encountered during construction)
Tom Polasek, District Supervisor DNR, sends letter calling the condition an environmental plus. Dan Whalen, W&W Engineering, disagrees.
SAFE members testify before the Joint Committee on Administrative Rules (JCAR)
SAFE asks the U.S. EPA to investigate for possible Federal Violations, including the federal definition of "groundwater"
57. EPA concludes that the water encountered during construction does meet the federal definition of groundwater, but not the federal definition of an aquifer. Also states that the EPA does not have the authority to intervene in the permitting actions of the MDNR.
58. August 27, 1993. Presque Isle Co. Board by a vote of 5 to 3 authorizes the chairman to

sign reciprocal waste agreements with the counties named in the Presque Isle Co. Solid Waste Plan.

Agreement states that transportation and disposal of waste must be in accordance with the solid waste plans of each county etc.

59. September 29, 1993. DNR issues an operating license to Allis Park Landfill. Landfill operators begin accepting waste from counties named in the Presque Isle Co. Plan, including Alpena and Cheboygan Counties whose plans do not authorize primary disposal in Presque Isle County.
60. October 18, 1993. BFI signs agreement to purchase the Allis landfill.
61. November 17, 1993. Seth Phillips (DNR) in a letter to Carl Becker (Chairman Montmorency-Oscoda Landfill Board) states the DNR's position on the meaning of contingent disposal authorized in the Alpena County Solid Waste Plan. Disposal of Alpena's waste in Presque Isle County on a day to day (primary) basis would be a violation of P.A. 641 (the solid waste mgt. act). Alpena County would have to amend their plan to allow.
62. December 14, 1993. Alpena Co. Board authorizes the chairman to sign a solid waste disposal agreement with Presque Isle Co. to establish "contingent" disposal capacity.
63. December 15, 1993. BFI purchase of landfill completed.
64. December 31, 1993. SAFE members video tape the first load of waste from Alpena Co. to the Allis landfill.
65. January 10, 1994. Tom Polasek (DNR) sends letter to BFI regarding possible Act 641 violations at the Allis Park Landfill.
66. January 11, 1994. Allis Twp. sends letter to DNR Director Harmes requesting that the DNR investigate incidents of illegal disposal of waste in Allis Twp. and to enforce P.A. 641.
67. February 1, 1994. Attorney for Montmorency-Oscoda Landfill files complaint with the Alpena Co. prosecutors office regarding the illegal disposal of Alpena County's waste at the Allis Park Landfill.
68. 1994 through 1995
Landfill operations monitored by SAFE. Problems include;
Fire July 4, 94, odors, papers, truck traffic, VOC's detected in secondary collection system samples, sedimentation pond is illegally ditched *drained* (June, 96) etc.

Alpena County Solid Waste Plan Amendment fails to gain township approval

Judge Swallow sides with BFI, US Supreme Court rules that transportation of solid waste is regulated by the inter-state commerce clause of the constitution.

State Court of Appeals rules in favor of intra-state flow control.

69. July 29, 96, federal judge rules that MI's Solid Waste Act does not violate inter-state commerce clause and is therefore enforceable under state law.
70. Oct. 96, MI State Court of Appeals overturns Judge Swallow's decision in the Montmorency-Oscoda vs BFI Alpena Co. lawsuit.
71. Nov. 20, 96 Allis Twp. re-submits request for declaratory Ruling re: Cheboygan County Solid Waste Plan.
72. BFI is fined \$7000, signs consent order, and agrees to comply with the flow control provisions of Part 115 (641).
73. December 30, 1996. Cheboygan Co. Board Appoints County Solid Waste Planning Committee. First meeting date set for Jan. 21, 97.
74. June 13, 1997. DEQ notifies county board chairs that the next 5 year update cycle has been commenced, local approval due by Dec. 31, 1998. Sets forth in a memo the requirements to update the county plans, including individual counties cannot do regional planning without being involved with a regional planning committee.
75. June 29, 1997. Director DEQ approves the amendment to the Cheboygan County Solid Waste Plan.
76. August 26, 1997. United Waste Systems (USA Waste Inc.) Purchases and assumes BFI's Northern Michigan's operations including the Allis landfill.
77. December, 1997. USA Waste Inc. issues press release that USA has purchased City Mgt. Corporation.
78. During 1997. The Montmorency / Oscoda Landfill Committee moves forward with plans to expand. Alpena County Board of Commissioners vote to join the landfill authority.
79. Feb. 19, 1998. Presque Isle County Commissioner Wayne Vermilya and SAFE representative Chad Chapman accompany John Ozoga DNR-DEQ on an inspection of the Allis landfill. Violations documented include litter, inadequate side slope cover, and leachate from raw garbage being released into the storm water ditches. DEQ to conduct extensive tests to determine the extent of impact to the Black River watershed.

80. Feb. 27, 1998. Dave Heberholz representing USA Waste Inc. attends meeting of the Presque Isle County Board of Commissioners. Reports that prices are to increase, and that USA Waste plans to curtail operations at the Allis landfill site. Company does not plan to build a new cell at the site, and current constructed capacity is limited. PIC board votes to remove Commissioner Vermilya from the emergency services and solid waste committee. Commissioners Strzelecki and Darga absent.
82. April 1998. USA Waste announces plans to acquire Waste Management Inc. Deal is estimated to be worth between 13 and 20 billion dollars.
83. July, 1998. Detroit Free Press reports that the Justice Dept., upon review of the USA-Waste Mgt. merger, has agreed to let the merger go through provided the company sells off assets in Northeast Michigan (among others).
84. Oct. 5, 1998. SAFE Inc. learns that USA Waste has accepted the bid offer made by Republic Waste Inc. Offer subject to Justice Dept. approval.
85. Oct. 6, 1998. SAFE documents further storm water violations and reports to DEQ that corrective action must be taken before the upcoming winter as facility is dormant pending possible new ownership.
86. Alpena County Solid Waste Plan Update receives local approval and is sent to DEQ for final approval.
87. Jan, 1999, SAFE submits FOIA requests to Sygo (DEQ) and Michigan Office of Atty. General for correspondence regarding the USA/Waste Mgt. Merger after learning that the State of Michigan "told the US Dept of Justice which landfills in Michigan USA Waste Mgt. must divest." (Jason Pickerman, Republic Services Inc. Dec. 3, 1998.)
88. Feb. 12, 1999. DEQ receives license application from Republic Services of Michigan
89. April 16, 1999. Charlevoix County Denies Waste Mgt.'s Cedar Ridge Landfill expansion request.
90. May, 1999. Top Rank Disposal begins using the Elk Run Landfill for disposal of waste from it's type "B" Charlevoix County transfer station.
91. July, 1999. SAFE documents Antrim County waste being transfered through the Top Rank transfer station located in Charlevoix County.
92. July 26, 1999. Allis Twp. files a Request for Declaratory Ruling with DEQ regarding Antrim County Plan violations by Top Rank Disposal.
93. July 30, 1999. Presque Isle County Board of Commissioners vote 4 to 4 on a resolution to "file a breach of contract action" against Charlevoix County for non-compliance with the

terms of the Solid Waste Disposal Agreement between Presque Isle and Charlevoix Counties.

94. May - July 1999. SAFE documents with DEQ disposal violations including daily cover and storm water erosion problems etc.
95. August 20, 1999. Notice of Sept. 13, 1999, Charlevoix County Solid Waste Planning Committee meeting is sent out. Agenda includes "Siting Criteria for Potential County Owned Landfill."
96. Oct. 4, 1999. Charlevoix County Solid Waste Plan is released for 90 day public comment period. Update contains language "THIS PLAN DOES NOT PROVIDE FOR NEW TYPE II LANDFILLS NOR THE EXPANSION OF THE EXISTING TYPE II LANDFILL (CEDAR RIDGE) LOCATED IN THE IRONTON AREA."
97. Oct. 14, 1999. Allis Twp. attorney files complaint with Phil Roycraft (DEQ) siting specific violations of the solid waste act by both Top Rank Disposal and Elk Run Landfill.
98. Oct. 29, 1999. The Montmorency - Oscoda - Alpena Landfill Authority holds an open house at the newly constructed cell.
99. Nov. 10, 1999. Presque Isle County Board of Commissioners consider resolution to send letter of public comment to the Charlevoix and Cheboygan County solid waste plans.
100. Feb. 11, 2000. DEQ quarterly inspection reveals first contaminated ground water sample.
101. April, 2000. DEQ denies Cedar Ridge expansion construction permit. WMI files an administrative appeal.
102. May 2, 2000. DEQ notifies Top Rank Disposal of solid waste plan violations in Saginaw and Presque Isle Counties
102. June 1, 2000. DEQ notifies Elk Run that less than 6000 yards of airspace remains.
103. June 24, 2000. DEQ notifies Elk Run that side slope erosion violations causing stormwater contamination must be corrected.
102. Sept. 7, 2000. DEQ notifies Presque Isle County that a draft solid waste plan update is available for public review. The proposed plan authorizes 19 counties to export waste to Presque Isle County, does not mention solid waste disposal agreements (reciprocal), does not authorize local ordinance enforcement, does not authorize impact surcharges, and contains siting criteria to allow for additional landfill siting in Presque Isle County. The notice requests a letter from Presque Isle County accepting plan enforcement responsibilities. Public meeting to be held on Wed. Oct. 11, 7:00 p.m.

103. Sept. 29, 2000. District 1 Commissioner Wayne Vermilya introduces and requests that the Presque Isle County Board of Commissioners adopt a resolution opposing DEQ's draft plan. Special meeting of the board is scheduled for Oct. 2, 2000.
104. Oct. 2, 2000. Presque Isle County Board votes unanimously to send a letter to the DEQ requesting answers to questions raised.
105. Dec. 2001. Republic Waste and Top Rank Disposal are fined by DEQ for solid waste plan violations (Charlevoix and Saginaw Counties)
106. Jan., 2001. DEQ issues Presque Isle County Solid Waste Plan. The DEQ provides no consideration for the issues raised by the Presque Isle County Board of Commissioners.
107. Feb. 28, 2001. Oral arguments in the WMI Cedar Ridge expansion case are heard in the Circuit Court Ingham County.
108. March, 2001. Republic Services submits an amended construction permit application to DEQ which proposed to downgrade the environmental controls at the Elk Run Landfill. DEQ schedules a public hearing for April 11, 2001.
109. March 30, 2001. The Presque Isle County Board of Commissioners approves 5-2 a resolution opposing the amended construction permit application and requests Jim Sygo and staff to appear before the board.
110. April 11, 2001. DEQ holds public hearing.
111. May 9, 2001. Jim Sygo, Chief Waste Mgt. Division DEQ, appears before the Presque Isle County Board of Commissioners. Confirms and is quoted "the proposed amended liner design is a downgrade of the environmental controls." States that the Attorney General's Office has issued an opinion that the 26th Circuit Court Order from July of 1992, is not a factor for DEQ consideration.
112. June 2001. Citizens group contacts the Attorney General's office to request the Opinion referred to by Mr. Sygo at the county board meeting. Group is assured that "no such opinion exists."
113. June 18, 2001. DEQ issues the amended construction permit to Republic Services. Permit requires Republic to "obtain a written determination by the Presque Isle County Circuit Court that such construction is permissible, notwithstanding the July 14, 1992, Opinion and Order in Allis Twp., et al v Allis Park Sanitary Landfill, inc. et al."
114. June 29, 2001. The Presque Isle County Board of Commissioners consider a resolution presented by Commissioner Vermilya opposing the issuance of a permit allowing for the

downgrading of the environmental controls.

115. July 11, 2001. The Presque Isle County Board adopts above mentioned resolution and appoints a Solid Waste Planning Committee to begin to review the plan and consider a plan amendment to address the DEQ issued plan deficiencies.
116. August through September, 2001. Parties to the 1992, lawsuit present position statements to the 26th Circuit Court and prepare for a hearing scheduled for Oct.29, 2001.
117. Sept. 29, 2001. DEQ officials confirm that the Elk Run Landfill closed for business on Sept. 26, 2001, due to the unavailability of constructed disposal space.
118. Elk Run Landfill remains closed for over one year. During this time Allis Twp. Attorney Earl Spuller died of cancer and Judge Kowalski over rides his own ruling from 1992. Republic Waste wins and dines county commissioners and public officials and constructs a new cell to the downgraded design. PIC solid waste plan updated by the DEQ to increase the number of counties in the plan to 16. The county's solid waste planning committee fails to act on the questions posed to them by the county board of commissioners. Elk Run is up and running again it is business as usual.
119. By the winter of 2008, residents complain of strong odors emanating from the dump. Complaints and requests for assistance are filed with the DEQ and the county board of commissioners with no relief.
120. Citizen Wayne Vermilya contacts Region 5 EPA regarding the odor problem and DEQ official John Ozoga conducts an unscheduled inspection. Republic Waste is cited for odor violations. Allis Twp. requests that the county board contact the DEQ regarding the matter
121. As of Sept., 2009. Odor problems continue.
122. Wolverine Power requests an advisory analysis for a "type 3" landfill as part of their attempt to site a coal powered generating plant in the quarry in Rogers City. County board of commissioners requested to issue a consistency determination. Special county board meeting scheduled for Sept. 8, 2009.

From: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:54 AM
To: Crawford, Linda (DNRE)
Subject: FW: Justice?

From: Gary [mailto:gg.husted@gmail.com]
Sent: Thu 12/31/2009 4:32 PM
To: DEQ-EJplan
Subject: Justice?

The environment, is just that, the environment. It knows no minority or low income areas. What's fair for one should be fair for all. End of subject.

Gary Husted
Suttons Bay, MI

From: DEQ-EJplan
Sent: Thursday, February 04, 2010 10:54 AM
To: Crawford, Linda (DNRE)
Subject: FW: hih

From: veronica lorena rojas [mailto:verito_gabito@hotmail.com]
Sent: Sun 1/3/2010 1:43 AM
To: deputy11@aol.com
Subject: hih

Cansado de borrar spam de tu bandeja de entrada? Gan tiempo con el nuevo filtro anti spam de Hotmail!

From: DEQ-EJplan
Sent: Thursday, February 11, 2010 10:33 AM
To: Crawford, Linda (DNRE)
Subject: FW: No to EJ plan

From: ardenfarm@torchlake.com [mailto:ardenfarm@torchlake.com]
Sent: Sat 2/6/2010 3:20 PM
To: DEQ-EJplan
Subject: No to EJ plan

Director Humphries: Please place my name among those who strongly recommend against the Environmental Justice plank being proposed for inclusion into the operating documents of the Michigan Department of Natural Resources and Environment. The collection of documents offered in support of the EJ proposal clearly indicate biases against a common appreciation for the properties and values secured for the public by the US Constitution and the Constitution of the State of Michigan. The tendentious positions taken by proponents of the EJ plank clearly indicate an intent to enforce a radical agenda of fundamental rearrangement of thousands of years of Common Law and--more recently---jurisprudence which recognizes the absolute necessity of guarantees to the security of the ownership of private property. The instances cited as *causas belli* for the EJ plank fall flat. Constitutional guarantees exist to secure the blessings being "redescribed" as EJ issues. If Wayne and Genesee County residents were taken advantage of in the past, this is so only because those owners and affected persons were not vigilant in asserting the guarantees of their rights found in the founding documents of this nation. They are not the only "ethnic" enclaves in the general region to have suffered from inroads made upon the individual holdings of "identity" groups by strategically well-placed decision-makers (Hamtramck and Poletown come to mind). American jurisprudence has upheld the fundamental guarantees of our founding documents. This victory has not been secure without cost; however, it has (and continues to be) a struggle well worth waging.

Of note is the reference to "500 years of oppression" found in the "seventeen points" document. Five hundred years ago there were no European peoples (oppressors) in our great state. Initial contacts were made by Europeans (French) who had no interests in the acquisition of "property. Later-arriving English explorers who were interested in the "claiming of lands" scrupulously created a legal claim to land property based upon ownership which, in more recent times, has become of great economic and cultural importance to Native American identity and welfare.

We ignore the constitutional prohibitions on the taking of private property rights without compensation at great peril. The constitutional prohibitions against the taking of private property are set forth in the 5th and 14th amendments to the U.S. Constitution; and, Article 1, Section 17 and Article 10, section 5 of the Michigan State Constitution. Article 10, Section 5 of the State Constitution grants the Legislature supervisory jurisdiction only over state-owned lands, not private property interests. The Department of Natural Resources "has the the power and jurisdiction only over the management, control and disposition of all land under the public domain" Act 451-324.503 (1). The term "public domain" means "all land owned by the state or land deeded to the the state under state law" Act 451-324.301 (I).

I agree with proponents of the EJ plank to the extent they assert it is the

right of the "owners" of property to whom "property rights" attend. Property per se has no rights. It is the individual, the person, and, importantly, NOT the government which has unalienable rights to life, liberty, and property. This is so even when the government presumes to act on behalf of various claimants of disproportionate disadvantage. Michigan citizens clearly have indicate a belief in equal protections. The founding documents clearly state those protections, "special status" is not routinely assumed. When given the opportunity to articulate those principles, Michigan citizens demonstrably support equal protection (Michigan Citizen Civil Rights Initiative) without special conditions. For these and other reasons, I urge The MDNR/E to reject the EJ plank. Furthermore, I recommend the MDNR/E recommend to other Michigan Departments and/or agencies that the proposed EJ plank NOT be considered a "model" for inclusion into other Michigan Departmental regulatory or policy-making authority.

John Adams said, "The moment the idea is admitted into society that property is not sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be secure or liberty cannot exist.". The need does not exist to re-visit and revise these protections (tending to ultimate dissolution); contrarily we must simply, vigorously, and publicly support those Constitutional guarantees. It would be refreshing to see the newly revised MDNR/E do so.

Respectfully yours, Jim Gurr Antrim County

From: DEQ-EJplan
Sent: Wednesday, March 24, 2010 8:00 AM
To: Crawford, Linda (DNRE)
Subject: FW: Public Comments on the Draft MI Environmental Justice Plan

From: Mona Younis [mailto:mona.m.younis@gmail.com]
Sent: Sun 3/21/2010 5:18 PM
To: DEQ-EJplan
Cc: pdowns4@comcast.net; shellk@umich.edu; reginalaurie@gmail.com; erin.caudell@gmail.com; nayyirah.shariff@gmail.com; ldirflint@yahoo.com; brandon.jessup@gmail.com
Subject: Public Comments on the Draft MI Environmental Justice Plan

Dear Environmental Justice Working Group and MDNRE Officials,

The following comments regarding the Draft Michigan Environmental Justice Plan were collected in Flint, MI on Saturday, March 13, 2010. This community feedback is for the purpose of improving the plan before it is finalized. Names and contact information are provided, as available.

- "[With regard to disparate impacts assessment] Collect data on illness & exposure of minority populations, that locate the residence of the affected person with an address or by block group, not aggregated to the municipal or county level, while ensuring the anonymity of the individual and make the data available on the web & to university and health advocates. Such as lead exposure, asthma, cancer & obesity." ~ Heidi Phaneuf (810-424-9110)
- "I want to be informed through public radio and TV about any issues that are coming up for vote." ~ Clara Blakely (810-762-3365)
- "Environmental Justice in Michigan must include an ending of the disparate impact on urban areas regarding the handling of waste & pollution." ~ Brandon Jessup (brandon.jessup@gmail.com)
- "I support the concept of Environmental Impact consideration which involves siting of programs with negative environmental outcomes in areas where the poor, indigent citizens live. Not In My Back Yard issues should not take advantage of citizens with the least capability to keep such facilities out." ~ Philip Downs (pdowns4@comcast.net)
- "This is potentially a life-saving endeavor, not just for Michigan but for the nation and the world. Much attention & priority should be given to this issues [of environmental justice]." ~ Amrita Seehra
- "It is great & inspiring & can change many lives." ~ Shelley Seehra (shellk@umich.edu)
- "I believe media should give more emphasis on getting information on Flint issues out to the public. So more residents can take part." ~ Okola Nicholson (810-701-9635)
- "The plan will give the community a reason to care and not feel like their thoughts and ideas [are] being swept under the rug." ~ Anonymous

Thank you,
Mona Younis



The Saginaw Chippewa Indian Tribe

PLANNING DEPARTMENT

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(989) 775-4014
FAX (989) 772-4151

March 19, 2010

Frank Ruswick, Senior Policy Advisor, Michigan Department of Natural Resources and Environmental Quality

Dear Mr. Ruswick:

On behalf of the Saginaw Chippewa Indian Tribe of Michigan and as a member of the Environmental Justice Working Group I would like to submit the following comments on the draft Environmental Justice Plan.

Overall this plan is a good mechanism to provide outreach to communities in a fair and non-discriminatory manner. The tribal communities in Michigan need to be included in the plan because of the unique government to government relationship the sovereign tribal governments have in relation to the state and federal agencies charged with implementing environmental regulations.

I, respectfully, submit the following comments which will, hopefully, help clarify the mission of the EJ Plan as it pertains to tribal land and environmental impacts.

Page 9 Public Outreach Toolkit There is no mention of utilizing the Michigan Tribal Environmental Group for outreach. Director Chester met with the tribal representatives in 2009 to discuss the EJ Plan. If you don't wish to list a specific organization the term could be changed to read "Consult with Michigan Tribal governments or their representatives to discuss permitting, compliance and enforcement, remediation and incentive programs associated with environmental issues."

Page 21 Environmental Justice Areas of Concern The tribal reservations should be included and identified in the areas of concern. NEPA utilizes tribal geographic information in their surveys, for example.

Page 28 Petitions The IWG should take into account the work of other interagency groups and federal-state TRIBAL governments that consider environmental issues and coordinate with these groups to the extent possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally J. Kniffen". The signature is fluid and cursive, extending across the width of the text area.

Sally J. Kniffen
Environmental Specialist
Saginaw Chippewa Indian Tribe

WM comments on the Michigan Environmental Justice Plan
Draft December 11, 2009

The DEQ is to be commended for its efforts in developing a state-wide environmental justice plan, particularly its establishment of an Environmental Justice Working Group to advise and inform future efforts. The members of the group reflect a broad spectrum of stakeholders, including business representation from companies known for their efforts at sustainability as well as noted environmental justice leaders and academics with extensive experience in identification of environmental justice communities.

WM has a long history of participating in similar groups -- U.S. EPA's National Environmental Justice Advisory Council (NEJAC), and environmental justice advisory councils in Pennsylvania, New York, Florida, and California. These kinds of broad-based groups assure that all voices are heard, and that environmental justice initiatives take into account the perspectives of both improving community health and the environment and sustaining the economy.

Much of the advice given in the Michigan Plan is consistent with advice given by the NEJAC in reports drafted by work groups in which WM participated. In particular, WM was a co-chair of the NEJAC report, unanimously adopted by the NEJAC on January 29 and soon to be sent to the Administrator Jackson, that recommended that EPA's guidance document, "Environmental Justice Strategic Enforcement Assessment Tool" (EJ SEAT), be used with caution and modified in significant ways to improve accuracy. This document will be posted on the website of EPA's Office of Environmental Justice, and WM urges DEQ to review these consensus recommendations as it implements its policy.

The NEJAC comments on EJ SEAT build upon concepts set out in a previous report on cumulative risk and impact, "Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts",
<http://www.epa.gov/compliance/resources/publications/ej/nejac/nejac-cum-risk-rpt-122104.pdf>.

Of particular importance to the success and practicality of DEQ efforts to advance environmental justice -- particularly in a time of economic constraint -- will be its adoption of two core principles from the NEJAC report:

Collaboration: One of the most important functions of government is to bridge the gap between the facilities it permits and the communities in which the facilities are located. Regulators play a critical role in assuring permitted operations are safe, communicating that fact to community members, and alerting permit holders to ways they can better respond to community concerns. Regulators who see themselves as fostering a spirit of collaboration and improvement can make all the difference when environmental justice issues arise.

Proportional approach: Many environmental justice communities have concerns not just with a facility seeking a permit, but with other facilities and activities that add to the cumulative sense of community burden. The NEJAC report recognizes that a fair-share approach to problems is most likely to succeed. Each contributor to a community burden should be expected to provide solutions proportional to its contribution.

These two elements are fundamental to success in resolving an environmental justice concern. With a focus on collaboration rather than discord, and a recognition that regulated facilities are far more likely to be constructive if held to a fair share standard, the concepts outlined in the Michigan Environmental Justice Plan can be highly effective in improving conditions in EJ communities and in strengthening positive relationships among regulators, the regulated, and the affected communities.

Sue Briggum
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From: DEQ-EJplan
Sent: Tuesday, March 30, 2010 3:54 PM
To: Crawford, Linda (DNRE)
Subject: FW: draft Environmental Justice plan

From: Anna Rahtz [mailto:rahtza@swmpc.org]
Sent: Mon 3/29/2010 12:04 PM
To: DEQ-EJplan
Subject: draft Environmental Justice plan

Some comments on the draft EJ plan:

- ? For the sake of public outreach and inclusion, even simpler language may be needed. At the presentation about the draft plan, the person sitting next to me didn't know the meaning of the word "disparate."
- ? We have an EJ analysis process for transportation, and when I have put out information defining EJ as "looking at the effects of projects on minority and low-income populations," I got a lot of negative feedback. The way I understand it now, "minority and low-income" is the traditional definition of EJ populations, but recently the definition has been broadened to include "vulnerable populations" such as the elderly, people with disabilities, and children.

Thanks!

Anna Rahtz
Associate Planner - Transportation
Southwest Michigan Planning Commission
185 E. Main St. #701
Benton Harbor, MI 49022
(269) 925-1137 x. 23
rahtza@swmpc.org

From: DEQ-EJplan
Sent: Tuesday, April 06, 2010 9:55 AM
To: Crawford, Linda (DNRE)
Subject: FW: Urban CO2 Domes

From: frankszolloosi@gmail.com on behalf of Frank Szollosi
Sent: Tue 3/30/2010 4:55 PM
To: DEQ-EJplan
Subject: Urban CO2 Domes

Thanks for joining us at UM today. This research suggests that carbon pollution should be included in the state EJ plan.

ABSTRACT:

Data suggest that domes of high CO₂ levels form over cities. Despite our knowledge of these domes for over a decade, no study has contemplated their effects on air pollution or health. In fact, all air pollution regulations worldwide assume arbitrarily that such domes have no local health impact, and carbon policy proposals, such as "cap and trade", implicitly assume that CO₂ impacts are the same regardless of where emissions occur. Here, it is found through data-evaluated numerical modeling with telescoping domains from the globe to the U.S., California, and Los Angeles, that local CO₂ emissions in isolation may increase local ozone and particulate matter. Although health impacts of such changes are uncertain, they are of concern, and it is estimated that that local CO₂ emissions may increase premature mortality by 50–100 and 300–1000/yr in California and the U.S., respectively. As such, reducing locally emitted CO₂ may reduce local air pollution mortality even if CO₂ in adjacent regions is not controlled. If correct, this result contradicts the basis for air pollution regulations worldwide, none of which considers controlling local CO₂ based on its local health impacts. It also suggests that a "cap and trade" policy should consider the location of CO₂ emissions, as the underlying assumption of the policy is incorrect.

Enhancement of Local Air Pollution by Urban CO₂ Domes

Mark Z. Jacobson*

Department of Civil and Environmental Engineering, Stanford University, Stanford, California 94305-4020

Environ. Sci. Technol., Article ASAP

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