

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) CONTESTED CASE REVIEW PANEL AGENDA

Wednesday, November 3, 2021 1:00 – 4:00 p.m.

Location: [Microsoft Teams Meeting](#)
Telephone: 1-248-509-0316 (Toll)
Conference ID: 751 808 072#

RE: In the Matter of the Petition of Dr. Taite Anderson and Dr. Lindsey Anderson
– Docket No. 18-018938

Panel Members: Murray Borrello
Emily Cord-DuThink
Erin Gerber

Alternate Member: Theodore Bornhorst

Panel Staff: Wendy Wisniewski, State Assistant Administrator, MOAHR
Susan Maul, Administrative Law Specialist, MOAHR
Robert Reichel, Assistant Attorney General
Amy Epkey, Senior Deputy Director, EGLE
Brad Pagratis, Director, Information Management Division, EGLE
Dale Shaw, Regulatory Affairs Officer, EGLE

1. Call to Order – Murray Borrello
2. Roll Call – Wendy Wisniewski
 - a. Panel Members
 - b. Meeting Participants
3. Approval of Agenda – Murray Borrello
4. Approval of Minutes from June 22, 2021 Meeting – Murray Borrello
5. Review and Discussion of File #18-018938 and submitted briefs (including 10 minutes per party)
6. Public Comments
 - a. Comments by in person participants
 - b. Comments by video participants

c. Comments by phone participants

7. Panel Deliberation

8. Determination of Next Meeting (if needed)

9. Adjournment – Murray Borrello

**ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC)
CONTESTED CASE REVIEW PANEL
MINUTES**

Tuesday, June 22, 2021, 1:00 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Virtual Meeting Held via Microsoft Team

RE: In the Matter of the Petition of Dr. Taite Anderson and Dr. Lindsey Anderson – Docket No. 18-018938

EPRC Members Present:

Murray Borrello – Gratiot County
Emily Cord-DuThinh – Oakland County
Erin Gerber – Kent County
Theodore Bornhorst – Houghton County

Panel Staff:

Wendy Wisniewski – Eaton County
Michigan Office of Administrative Hearings and Rules (MOAHR)
Susan Maul – Ingham County, MOAHR
Robert Reichel - Eaton County
Michigan Office of Attorney General (OAG)
Brad Pagratis - Ingham County, EGLE
Dale Shaw - Ingham County, EGLE

Parties Present:

Tim Stoepker – Kent County, Dickinson Wright
Dan Bock - Eaton County, OAG
Luanne Laemmerman - Oakland County, OAG

1. Call to Order

The meeting was called to order at 1:00 p.m.

2. Welcome

Brad Pagratis, Director, Information Management Division, welcomed the participants to the meeting at 1:02 p.m. He explained the statutory establishment and the three-person panel process. He also explained that Theodore Bornhorst is an alternate for this panel and will serve should one of the three panel members be unable to serve.

3. Introduction of Members

The four panel members offered brief comments on their professional backgrounds. The panel staff introduced themselves and described the role they play with the panel. Individuals attending the meeting virtually from the counties listed by their name in the section above.

4. Process Overview

Robert Reichel, Assistant Attorney General, gave a brief overview of the statutory requirements and explanation of the legal process and permissible scope for the panel.

5. Chairperson Designation

The three panel members discussed the selection of the panel chairperson.

MOTION by Erin Gerber, seconded by Emily Cord-DuThinh, to nominate Murray Borrello as Chairperson.

Yeas: Cord-DuThinh, Gerber
Nays: None
Abstain: Borrello

MOTION PREVAILED.

6. Review and Discussion of File #18-018938

The panel began discussion of the file and asked questions regarding the procedural process. There was also discussion on Proposed Procedures for Filing Briefs previously agreed to, and submitted, by the parties. The submitted proposal is attached to minutes.

MOTION by Erin Gerber, seconded by Murray Borrello, to adopt the submitted schedule for briefs.

Yeas: Borrello, Cord-DuThinh, Gerber
Nays: None

MOTION PREVAILED.

The panel continued discussion on access to the complete record of the MOAHR case. The parties offered options for obtaining the exhibits, testimony and narratives and the panel and parties discussed. It was agreed upon by everyone that the OAG will:

1. Obtain a copy of the certified record from MOAHR.
2. Bates stamp the record.
3. Provide the panel members with an electronic copy of the testimony and narratives from the record and hard copies of the exhibits.

MOTION by Emily Cord-DuThinh, seconded by Erin Gerber, to adopt the plan for the receipt of the record.

Yeas: Borrello, Cord-DuThinh, Gerber
Nays: None

MOTION PREVAILED.

7. Determination of Next Meeting

The panel and participants discussed the scheduling of the next meeting. The meeting is scheduled for October 19, 2021 at 1:00 p.m.

MOTION by Murray Borrello, seconded by Emily Cord-DuThinh, to schedule the meeting on October 19, 2021 at 1:00 p.m.

Yeas: Borrello, Cord-DuThinh, Gerber
Nays: None

MOTION PREVAILED

8. Public Comments

There were no public comments.

9. Adjournment

MOTION by Murray Borrello, seconded by Erin Gerber, to adjourn the meeting at 2:19 p.m.

Yeas: Borrello, Cord-DuThinh, Gerber
Nays: None

MOTION PREVAILED

Prepared by:
Wendy Wisniewski, Panel Support
Michigan Office of Administrative Hearings and Rules

June 24, 2021

STATE OF MICHIGAN
ENVIRONMENTAL PERMIT REVIEW COMMISSION
CONTESTED CASE REVIEW PANEL

IN THE MATTER OF:

Docket No.: 18-018938

Petition of Dr. Taite Anderson and
Lindsey Anderson

Agency No.: HND-2Z1J-RNKDP

Part: 353, Sand Dunes
Protection and
Management

Agency: Department of
Environment, Great
Lakes, and Energy

Case Type: Water Resources Division

PROPOSED PROCEDURES FOR FILING BRIEFS

1. Petitioners, Drs. Taite Anderson and Lindsey Anderson, to the extent they desire to file a brief with the environmental permit panel, shall file a brief with the environmental permit panel no later than August 3, 2021, that shall conform with the requirements for appellants' briefs on appeal as set forth in MCR 7.212, except that Petitioners' brief shall be limited to 30 pages and Petitioners shall not be required to file an appendix as required in MCR 7.212(C)(10).
2. Respondent, Michigan Department of Environment, Great Lakes, and Energy, Water Resources Division (EGLE) shall file a brief with the environmental permit panel no later than September 7, 2021, in response to Petitioners' brief that shall conform with the requirements for appellees' briefs on appeal as set forth in MCR 7.212, except that Respondent's brief shall be limited to 30 pages and Respondent shall not be required to file an appendix as required in MCR 7.212(J)(2).
3. Petitioners, to the extent they desire to file a reply brief with the environmental permit panel, shall file a reply brief with the environmental permit panel no later than September 21, 2021, that shall conform with the requirements for reply briefs on appeal as set forth in MCR 7.212, except that Petitioners' reply brief shall be limited to 5 pages.

4. Within the time frame for filing briefs, the parties shall e-mail copies of their briefs to the other parties at the addresses identified below.

5. Addresses:

Counsel for Petitioners:

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Counsel for EGLE:

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