

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) CONTESTED CASE REVIEW PANEL

AGENDA

Wednesday, October 27, 2021 9:00 a.m. – 12:00 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Constitution Hall, Lee Walker Conference Room,
Atrium, North Tower, 525 West Allegan Street, Lansing, Michigan

Members of the public may choose to attend in-person at the location above or attend and provide public comment via Microsoft Teams

[Microsoft Teams Meeting](#)

Telephone: 1-248-509-0316 (Toll)

Conference ID: 998 462 803#

RE: In the Matter of the Petition of Andrew Gary Gagne on the permit issued to Donna Devlin – Docket No. 19-017309.

Panel Members: Emily Cord-DuThinh
Dr. Imad A. Salim
Brad Venman

Alternate Member: Matt Germane

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

1. Call to Order – Brad Venman
2. Roll Call – Wendy Wisniewski
 - a. Panel Members
 - b. Meeting Participants
3. Approval of Agenda – Brad Venman
4. Approval of Minutes from August 25, 2021 Meeting – Brad Venman

5. Review and Discussion of File #19-017309 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 – Brad Venman

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) CONTESTED CASE REVIEW PANEL

MINUTES

Wednesday, August 25, 2021, 9:00 a.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Meeting held in Constitution Hall, Lee Walker Conference Room, Atrium, North Tower,
525 West Allegan Street, Lansing, Michigan and virtually via Microsoft Teams

RE: In the Matter of the Petition of Andrew Gary Gagne on the permit issued to Donna Devlin – Docket No. 19-017309

EPRC Panel Members:

Emily Cord-DuThinh
Dr. Imad A. Salim
Bradley Venman

Panel Staff:

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

Parties Present:

Andrew Gary Gagne

Participants Via Teams:

Matthew Germane – Alternate Panel Member
Mike Devlin – Permittee/Respondent
David Berman – Attorney for Permittee/Respondent
Chris Conn – EGLE Water Resources Division (WRD)

1. Call to Order and Welcome

Brad Pagratis, Director, Information Management Division called the meeting to order and welcomed participants at 9:00 a.m. He explained the statutory establishment and the three-person panel process. He also explained that Matthew Germane is an alternate for this panel and will serve should one of the three panel members be unable to serve.

2. Introduction of Panel Members and Panel Staff

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. The parties introduced themselves.

3. 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.

4. Chairperson Designation

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

Motion by Imad Salim, seconded by Emily Cord-DuThinh, to nominate Brad Venman as Chairperson.

Yeas: Cord-DuThinh, Salim, Venman

Nays: None

Abstain: None

MOTION PREVAILED

5. Approval of Agenda

The three panel members discussed the approval of the agenda.

MOTION by Emily Cord-DuThinh, seconded by Imad Salim, to approve the agenda. (Agenda attached).

Yeas: Cord-DuThinh, Salim, Venman

Nays: None

Abstain: None

MOTION PREVAILED

6. Review and Discussion of File #19-017309

The panel began discussion of the file. Both parties and EGLE were given the opportunity to share information on the matter. The panel asked questions of the parties and discussion continued. The panel also asked Mr. Reichel questions regarding the procedural process. There was discussion on a timeline for submission of briefs. It was agreed the Petitioner will file a brief by September 15,

2021 and the Respondent will file a reply brief by October 6, 2021. If they deem it necessary, EGLE WRD may also file a reply brief by October 6, 2021.

MOTION by Emily Cord-DuThinh, seconded by Imad Salim, to adopt this schedule for briefs.

Yeas: Cord-DuThinh, Salim, Venman
Nays: None
Abstain: None

MOTION PREVAILED

The panel also discussed a page limit on the submitted briefs and it was agreed that the number of pages for the briefs be limited to 15 pages, double-spaced.

MOTION by Emily Cord-DuThinh, seconded by Imad Salim, to limit the briefs to 15 pages, double-spaced.

Yeas: Cord-DuThinh, Salim, Venman
Nays: None
Abstain: None

MOTION PREVAILED

7. Public Comments

There were no public comments.

8. Determination of Next Meeting

The panel and participants discussed the scheduling of the next meeting and agreed upon October 27, 2021 at 9:00 a.m.

MOTION by Imad Salim, seconded by Emily Cord-DuThinh, to schedule the meeting on October 27, 2021 at 9:00 a.m.

Yeas: Cord-DuThinh, Salim, Venman
Nays: None
Abstain: None

MOTION PREVAILED

9. Adjournment

MOTION by Imad Salim, seconded by Emily Cord-DuThinh, to adjourn the meeting at 11:21 a.m.

Yeas: Cord-DuThinh, Salim, Venman
Nays: None
Abstain: None

MOTION PREVAILED

Prepared by:
Wendy Wisniewski, Panel Support
MOAHR

August 26, 2021

DRAFT

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) CONTESTED CASE REVIEW PANEL

AGENDA

Wednesday, August 25, 2021 9:00 – 11:00 a.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Constitution Hall, Lee Walker Conference Room,
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Conference ID: 469 158 144#

RE: In the Matter of the Petition of Andrew Gary Gagne on the permit issued to Donna Devlin – Docket No. 19-017309.

Panel Members: Emily Cord-DuThinh
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Brad Venman

Alternate Member: Matt Germane

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

1. Call to Order and Welcome – Brad Pagratis
2. Introduction of Panel Members and Panel Staff – Brad Pagratis
3. Process Overview – Robert Reichel
4. Chair Designation – Brad Pagratis
5. Approval of Agenda

6. Review and Discussion of File #19-017309
7. Public Comments
8. Determination of Next Meeting
9. Adjournment – Panel Chair

DRAFT