

# ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC)

## AGENDA

Monday, December 7, 2020, 1:00 – 3:30 p.m.

Held via Microsoft Teams Meeting due to the COVID-19 pandemic.

### EPRC MEMBERS:

#### Attending:

Bryan Burroughs	Jeffery King	Evan Pratt
Matthew Germane	Tony Anthony	Murray Borrello
Bradley Venman	Theodore Bornhorst	Emily Cord-DuThinh
Dana Kirk	Dirk Mammen	Erin R. Gerber
David Hamilton	Lori Myott	Imad A. Salim

#### Non-Voting Members:

Amy Epkey - EGLE	Wendy Wisniewski -MOAHR
Brad Pagratis - EGLE	Sue Maul - MOAHR
Dale Shaw - EGLE	
Robert Reichel - DAG	

#### Clerk:

Dale Shaw

#### 1. Call to Order

Amy Epkey, Senior Deputy Director, Chair

#### 2. EPRC Roll Call

Dale Shaw, Regulatory Affairs Officer

#### 3. Approval of Agenda

Amy Epkey, Senior Deputy Director, Chair

#### 4. Approval of Minutes from the September 30, 2019 EPRC Meeting and the February 12, 2020 Panel Meeting

Amy Epkey, Senior Deputy Director, Chair

#### 5. EPRC Members Update

Amy Epkey, Senior Deputy Director, Chair

#### 6. Support Members Update

Amy Epkey, Senior Deputy Director, Chair

- 7. Overview of the EPRC and its Processes: Petition for Permit Application Review and Petition for a Final Decision of a Contested Case Review**  
Dale Shaw, Regulatory Affairs Officer
- 8. EPRC Statistics Dashboard**  
Brad Pagratis, Director, Information Management Division
- 9. EPRC Website Change**  
Dale Shaw, Regulatory Affairs Officer
- 10. 2021 Tentative Meeting Schedule**  
Amy Epkey, Senior Deputy Director, Chair
- 11. Public Comments**
  - a. Comments by phone participants
  - b. Comments by video participants
- 12. Adjournment**  
Amy Epkey, Senior Deputy Director, Chair

**ENVIRONMENTAL PERMIT REVIEW COMMISSION  
MINUTES**

**Monday, September 30, 2019, 1:00 p.m. – 3:30 p.m.**

Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
Constitution Hall, Con Con Conference Room, Atrium Level South  
525 West Allegan Street, Lansing, Michigan

**COMMISSION MEMBERS:**

**Members Present:**

Bryan Burroughs	Matthew Germane	Jeff King
Dana Kirk	Dirk Mammen	Lori Myott
Evan Pratt	Mark Prein	Brad Venman

**Members Present via Telephone:**

Theodore Bornhorst	Jamie Buckingham
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**Members Absent:**

Tony Anthony	Dennis Bittner	Dave Hamilton
Mark Henne		

**EGLE Staff:**

Amy Epkey	Candra Wilcox
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**1. Roll Call**

Meeting was called to order at 1:04 p.m. Roll call was taken with a quorum present.

**2. Approval of Agenda**

**Motion:** Evan Pratt made a motion to approve the agenda as provided; Dirk Mammen seconded the motion. The motion was approved by all members present.

**3. Approval of Minutes from April 29, 2019, Meeting**

**Motion:** Evan Pratt made a motion to approve the minutes as provided; Brad Venman seconded the motion. The motion was approved by all members present.

**4. Petition for Permit Review Process**

Dave Fiedler, EGLE, provided an overview of the petition for permit review process. The department has 45 days to either resolve the issue or convene a meeting of a three-

member panel, as selected by the EGLE Director, when a pre-decisional petition is received. A Panel would then provide a written recommendation to the EGLE Director within 45 days of the panel meeting. The EGLE Director has 60 days to make a final recommendation.

When EGLE receives a petition, the department needs to ensure that a permit has not been issued, denied, or withdrawn. The department must also determine whether the petitioner has submitted a complete application along with paying the necessary fees.

Currently, the department has received two petitions under this process. Both petitioners did not submit a complete application along with the necessary fees, therefore, the petitions could not go through this process. The department is currently working with both petitioners to resolve their issues.

#### **5. Petition for Contested Case Review Process**

Matthew Germane, EPRC, provided an update on the process for the petition for contested case review. The panel completed the second meeting of the panel today with briefings submitted by both parties along with questions being answered.

The Michigan Office of Administrative Hearings and Rules' (MOAHR) role is to support the EPRC and will serve as the law clerk for the panel. MOAHR staff will help write the final decision and provide legal expertise.

The Commission discussed the need for an alternative to be selected for the panel in case a panel member is unexpectedly unavailable.

#### **6. Commissioner Email Accounts**

State of Michigan email accounts and instructions were provided to Commission members. All communications to and by board members should be conducted through these email accounts.

#### **7. 2020 Tentative Meeting Schedule**

**Motion:** Evan Pratt made a motion to approve the 2020 meeting schedule as provided; Bryan Burroughs seconded the motion. The motion was approved by all members present.

#### **8. Public Comment**

There was no public comment.

## 9. Adjournment

**Motion:** Dirk Mammen made a motion to adjourn; Lori Myott seconded the motion. The motion was approved by all members present and the meeting was adjourned at 2:18 p.m.

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Groundwater Discharge Permit. The panel asked follow-up questions of both parties.

The EPP explained during the discussion that they do not have statutory authority to arbitrate or settle issues concerning past permits or enforcement/violation concerns.

#### **4. EPP Deliberation**

The EPP members deliberated on the Petition for Permit Application Review and informed the meeting that they will provide their recommendation within 45 days of the meeting held today EGLE Director Clark. Much of the discussion centered on what daily flow data documentation the Big Bend Family Campground needs to provide EGLE to determine if a permit is necessary.

#### **5. Public Comment**

No public comments were received.

#### **6. Adjournment**

**Motion:** Brad Venman made a motion to adjourn the meeting at 10:50 a.m.; Dana Kirk seconded the motion. The motion passed and the meeting was adjourned.