



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Title VI Complaint Updates

Air Quality Division

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11 Mar. 2022

Complaints on Ajax, Stellantis-Mack Plant, and Graphic Packaging are accepted for investigation by EPA.

20 June 2023

After multiple parties appealed the issuance of the Ajax Asphalt air permit. Genesee County Circuit Court upheld issuance and terms of Ajax permit

29 Sep. 2023

Graphic Packaging complaint is administratively closed due to “same civil rights issues” included in class action lawsuit filed against EGLE.

EPA’s Office of External Civil Rights Compliance (OECRC) and EGLE begin negotiations on Ajax complaint. Mediated negotiations between OECRC, EGLE and Complaints occur until September 2023.

8 Apr. 2022

An Informal Resolution Agreement (IRA) to resolve Ajax complaint is complete.

10 Aug. 2023

Negotiations continue on Stellantis complaint.

Nov. 2023

Title VI Complaints Timeline

Ajax Complaint Issues Investigated

- Whether EGLE discriminated on the basis of race, color, and national origin in violation of Title VI and the EPA's implementing regulation at 40 C.F.R. Part 7, when it approved Permit to Install ("PTI") Application No. 2021-0019 for the Ajax Asphalt Plant.
- Whether EGLE discriminated on the basis of race, color, or national origin, disability, and age in violation of Title VI, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 and the EPA's implementing regulation at 40 C.F.R. Part 7, by failing to provide meaningful public participation in connection with the approval of the application for PTI Application No. 2021-0019 for the Ajax Asphalt Plant.
- Whether EGLE's criteria and methods of administering its air permit program, including its exercise of authority under Rule 228, has the intent and/or effect of subjecting persons to discrimination on the basis of race, color, and national origin in violation of Title VI and the EPA's implementing regulation at 40 C.F.R. Part 7.

Commitments to Resolve Ajax Complaint



Commitments about future public engagement in Genesee Township

- Participate in community meetings
- Report to EPA on community engagement activities done
- Install a Purple Air sensor
- Pursue funding for a Protocol for Assessing Community Excellence in Environmental Health (PACE-EH) evaluation in the community

Commitments to Resolve Ajax Complaint



Commitments Regarding EGLE's Education and Outreach on Its Air Permitting Program

- Conduct community engagement activities in consideration of environmental justice, equity, and civil rights principles in EGLE's air permitting program, including;
 - How EGLE uses MiEJScreen tool
 - What criteria EGLE uses to hold public meetings
 - An explanation of different regulations which may apply on a case-by-case basis
 - How EGLE will collaborate with local government to host an event to discuss zoning decisions and what impact they may have on air permitting decisions.
- EGLE will share a community outreach plan with EPA, complainants, and other environmental justice advocates within 180 days of the effective date of this Agreement.

Commitments to Resolve Ajax Complaint



Commitments Regarding EGLE's Public Participation Policy

- Revise Policy and Procedure No. 09-007, Policy on Public Involvement in Department Divisions. Commitments include;
 - Sharing with EPA within 90 days of the effective date of this Agreement and taking public comments on the proposed revisions prior to finalizing the document
 - EGLE will consider all comments received during its public comment period and publish final material on its website.
- EGLE will continue investment in ways to provide for greater transparency about decision-making through online access to a wider variety of documents such as permit applications, inspection reports, and proposed permits subject to public comment.

Commitments to Resolve Ajax Complaint



Commitments Regarding New Environmental Justice Grant Program

- Develop guidance on how the public may submit grant applications under the new EGLE Environmental Justice Public Health Protection program and other grant opportunities.
- Establish final program design and scoring criteria in consultation with environmental justice communities and representatives.
- Submit for EPA review;
 - Draft guidance materials
 - Draft public outreach materials
 - EPA will provide comments within 30 days of receipt
 - EGLE will consider EPA's feedback and provide EPA with final copies prior to publishing.