

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) PERMIT APPLICATION REVIEW PANEL

MINUTES

Friday, December 2, 2022, 1:30 p.m. – 4:30 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Lee Walker Conference Room, Constitution Hall
525 West Allegan Street, Lansing, Michigan 48933

EPRC Panel Members:

Emily Cord-DuThinh
Evan Pratt
Bradley Venman

Petitioner:

Michael Carroll
Matthew B. Eugster - Representative
Dan Fredricks - Representative

EGLE Water Resources Division Staff:

Chris Conn
Kyle Alexander
Derek Haroldson

Panel Staff:

Stephanie Becsey, Department Forms Analyst, EGLE
Aimee Crouch, Legal Specialist, EGLE
Meredith Prince, Clerk, EGLE
Dale Shaw, Regulatory Affairs Officer, EGLE

1. Call to Order and Welcome

The meeting was called to order at 1:04 p.m. by Meredith Prince, Clerk. She welcomed the participants and explained the established statute for the permit application review panel.

2. EPRC Panel Roll Call

Meredith Prince called the roll and a quorum was present.

3. Introduction of Panel

The panel members introduced themselves and provided a brief description of their expertise to the attendees of the meeting.

4. Process Overview

Aimee Crouch, Legal Specialist, EGLE, provided a brief overview of the permit application review process and noted that she is assigned to the panel to assist with any procedural questions they may have.

5. Chair Designation

The panel members discussed the selection of the panel chair.

Motion: Emily Cord-DuThinh made a motion to designate Evan Pratt as the panel chair; Bradley Venman seconded. The motion was passed by all members present.

6. Approval of Agenda

Motion: Emily Cord-DuThinh made a motion to approve the agenda as written; Bradley Venman seconded. The motion was passed by all members present.

7. Petitioner Presents Position

Matthew B. Eugster, petitioner's representative, provided the panel with a history and overview of the waterbodies, water levels, current mitigation actions, and the proposed project. He also discussed EGLE's concerns with the proposed project and impacts.

8. EGLE Presents Position

Chris Conn, Environmental Quality Analyst, presented to the panel a high-level overview of permit application statistics, the aims of the Water Resources Division, the status of the application, and the impacts of the scale and scope of the proposed project on regulated resources. He also addressed possible alternatives to the proposed project.

Chris Conn also mentioned that the project would take place on Department of Natural Resources (DNR) land, and that the DNR has not granted work to occur on this property, which causes an issue with EGLE's review criteria. In addition, the Environmental Protection Agency (EPA) has issued an objection letter to the project which functionally does not allow EGLE to issue a permit until the EPA's issues are addressed.

9. EPRC Panel Questions to Petitioner and EGLE

Matthew B. Eugster, petitioner's representative, answered questions about the inputs into the bog, proposed alternatives, the EPA letter, the current system, and the surrounding area.

Derek Haroldson, Senior Environmental Quality Analyst, EGLE, answered questions about the flooding, the wildlife habitat, the size of the area, stormwater discharge, and proposed alternatives.

Kyle Alexander, Resources Unit Supervisor, EGLE, answered questions about the site, proposed alternatives, the wildlife habitat, the involvement of other agencies, and the stormwater discharge.

Dan Fredricks, petitioner's representative, answered questions about proposed alternatives, stormwater discharge, communication with MDOT (Michigan Department of Transportation), the wildlife habitat, the current system, the proposed project, and the response to the other agencies' concerns.

Michael Carroll, petitioner, answered questions about the proposed project and the involvement of other agencies.

10. Public Comment

Matthew B. Eugster, petitioner's representative, made a comment about the City of Portage's history with the project area and the temporary and proposed solutions, as well as addressing the letter from the EPA.

11. 15-Minute Break

A 15-minute break was taken from 3:35-3:50 p.m.

12. EPRC Panel Deliberation

After the break, the panel discussed the file.

Motion: Emily Cord-DuThinh made the motion for the panel's Recommendation to the Director to state:

EGLE's position is consistent with the statute.

Petitioner may continue to work with EPA, DNR and EGLE to address specific regulatory concerns that have been identified and provide a permanent storm water management solution. Petitioner may consider alternatives such as incorporating best management practices that would reduce storm water inputs to Hampton Creek bog, and/or to modify

portions of the proposed conveyance and infiltration structures, e.g. to not connect Hampton Creek bog and Greenspire bog.

Bradley Venman seconded the motion. The motion was passed by all members present.

13. Adjournment

Evan Pratt, Chair, adjourned the meeting at 4:08 p.m.

Prepared by:
Meredith Prince, Clerk
EGLE

December 13, 2022

***Meeting minutes were APPROVED at the Environmental Permit Review Meeting
2-6-25***