

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

## **MINUTES**

**Monday, December 5, 2022, 1:00 p.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 Petition of James Nairne Meeting #2 – Docket No. 21-003354.

### **EPRC Members Present:**

Emily Cord-DuThinh  
Matt Germane  
Brad Venman

### **Panel Staff:**

Susan Maul – Michigan Office of Administrative Hearings and Rules (MOAHR)  
Aimee Crouch – EGLE  
Dale Shaw - EGLE  
Stephanie Becsey – EGLE  
Wendy Wisniewski - MOAHR

### **Parties Present:**

Gina Bozzer – Attorney for Petitioner via Microsoft Teams  
Elizabeth Mourisseau – Office of Attorney General - Attorney for EGLE

### **1. Call to Order**

The meeting was called to order at 1:06 p.m. by Chair Emily Cord-DuThinh.

### **2. Roll Call**

- a. Susan Maul called the roll and all members were present.
- b. Counsel for EGLE was present. Counsel for Petitioner participated via Teams.

### **3. Approval of Agenda**

No changes were made to the agenda.

**MOTION** by Brad Venman, seconded by Matt Germane, to approve the agenda.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

#### **4. Approval of Minutes from August 17, 2022 Meeting**

**MOTION** by Brad Venman, seconded by Matt Germane, to approve the minutes from the August 17, 2022 meeting.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

**MOTION** by Brad Venman, seconded by Matt Germane, to approve an amended briefing schedule to accept the late receipt of Respondent's brief, filed November 7, 2022 instead of November 5, 2022.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

#### **5. Review and Discussion of File #21-003354 and Submitted Briefs**

The panel began discussion of the file. Both parties were given the opportunity to discuss their positions and documentation submitted. The panel asked questions of the parties after their presentations. The panel also asked Aimee Crouch questions regarding the procedural process.

#### **6. Public Comments**

There were no public comments.

#### **7. Panel Deliberation**

The panel began deliberating the file. Aimee Crouch reiterated the panel's options. The panel determined more time was needed to review the administrative record and the briefs prior to reaching a decision.

## **8. Determination of Next Meeting**

**MOTION** by Brad Venman, seconded by Matt Germane, to hold the panel's next meeting Tuesday, January 10, 2023, at 9:00 a.m.

## **9. Adjournment**

**MOTION** by Matt Germane, seconded by Brad Venman, to adjourn the meeting at 3:45 p.m.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

**Minutes were approved by the Panel at the meeting on January 10, 2023.**

Prepared by:  
Susan Maul, MOAHR, Panel Support

December 5, 2022

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

Monday, December 5, 2022 1:00 p.m.

Location: [Microsoft Teams Meeting](#)

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

Conference ID: 793380266#

RE: In the Matter of Petition of James Nairne – Docket No. 21-003354.

**Panel Members:** Emily Cord-DuThinh  
Matt Germane  
Brad Venman

**Alternate Member:** Dana Kirk

**Panel Staff:** Susan Maul, Administrative Law Specialist, MOAHR  
Aimee Crouch, Legal Specialist, EGLE

1. Call to Order – Emily Cord-DuThinh
2. Roll Call – Susan Maul
  - a. Panel Members
  - b. Meeting Participants
3. Approval of Agenda – Emily Cord-DuThinh
4. Approval of Minutes from August 17, 2022 Meeting – Emily Cord-DuThinh
  - a. Consideration of potential motion (to amend the briefing schedule to accept the late Respondent's brief submitted by 11:00 a.m. November 7, 2022, instead of November 5, 2022)
5. Review and Discussion of File #21-003354 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 – Emily Cord-DuThinh