

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) CONTESTED CASE REVIEW PANEL

MINUTES

Tuesday, January 10, 2023, 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 Petition of James Nairne Meeting #3 – 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 via Microsoft Teams
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 9:01 a.m. by Chair Emily Cord-DuThinh.

2. Roll Call

- a. Wendy Wisniewski 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 December 5, 2022 Meeting

MOTION by Brad Venman, seconded by Matt Germane, to approve the minutes from the December 5, 2022 meeting.

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. The panel asked Sue Maul and Aimee Crouch questions regarding the procedural process. The Petitioner challenged Nos. 1, 2, 4, 5 and 6 of Administrative Law Judge (ALJ) Pulter's Conclusions of Law. The panel made the following determinations relating to these items:

- #1 ALJ Pulter's conclusion was discussed and all three members of the panel agreed with his conclusion.
- #2 & #4 ALJ Pulter's conclusions were discussed and all three members of the panel agreed with his conclusions.
- #5 & #6 ALJ Pulter's conclusions were discussed and all three members of the panel agreed with his conclusions.

MOTION by Matt Germane, seconded by Brad Venman, to adopt ALJ Pulter's Conclusions of Law #1, #2, #4, #5 and #6.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

6. Public Comments

There were no public comments.

7. Determination of Next Meeting

The panel agreed that no additional meetings were needed.

8. Adjournment

MOTION by Brad Venman, seconded by Matt Germane, to adjourn the meeting at 9:22 a.m.

Yeas: Cord-DuThinh, Germane, Venman

Nays: None

Abstain: None

MOTION PREVAILED

Prepared by:
Wendy Wisniewski, MOAHR, Panel Support

January 12, 2023

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

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

Tuesday, January 10, 2023 9:00 a.m.

Location: [Microsoft Teams Meeting](#)

Meeting ID: 274 899 960 602

Passcode: G4MAbN

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

Conference ID: 968 357 397#

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
Wendy Wisniewski, Assistant Administrator, MOAHR
Aimee Crouch, Legal Specialist, EGLE

1. Call to Order – Emily Cord-DuThinh
2. Roll Call – Wendy Wisniewski
 - a. Panel Members
 - b. Meeting Participants
3. Approval of Agenda – Emily Cord-DuThinh
4. Approval of Minutes from December 5, 2022 Meeting – Emily Cord-DuThinh
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