



DEPARTMENT POLICY AND PROCEDURE

09-007

Policy on Public Involvement in Department Decisions

Original Effective Date: April 5, 2002

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Distribution: All EGLE Employees and EGLE Web Site

ISSUE

Public involvement is a vital part of many programs administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). A successful public involvement process ensures that those who are most likely affected by an EGLE decision are notified, understand the proposed decision, and have an opportunity to provide meaningful input prior to EGLE action.

DEFINITIONS

“Affected source” means any source, facility, owner, or operator under the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, that is required to obtain an authorization from EGLE (i.e., a permit or license); required to remediate contamination; or is subject to formal enforcement and the authorization or action requires a public notice and public comment period.

POLICY

The legal framework of public involvement in EGLE activities is established by the various enabling statutes administered by EGLE and the Administrative Procedures Act, 1969 PA 306, as amended, and is contained in requirements of federally-delegated programs. While some specific aspects of public involvement are particular to the statutory and regulatory framework of individual programs, public involvement led by EGLE is based on the following best management practices and underlying principles:

- The decision-making process should foster fairness, understanding, and engagement. It should be transparent, occur in steps, and in a time frame that is understood and predictable by involved parties. The decision-maker will be readily identifiable before the decision is made. Each decision is based on the technical merits of a proposal and decision-making criteria established in EGLE-implemented statutes and rules. The basis for the decision is available to the public to the extent allowed by law. EGLE is accountable for the decision based on information available to it during the decision-making process.
- The public should have the opportunity to:
 - Play a meaningful role in EGLE’s activities.
 - Contribute to a decision on a proposed program or activity that could affect their quality of life.
 - Have access, consistent with state law, to information relevant to the decision-making process.

- EGLE should be able to explain its decision and how relevant and timely comments were considered in that decision, thereby affording an involved participant the ability to ascertain that his or her interests were heard and considered.

Public Notice of Department Actions

Actions undergoing public participation, including times and locations of public meetings and hearings, and open public comment periods will be posted in EGLE's calendar. The calendar is updated weekly. For each entry, the calendar will identify at least one point of contact and include telephone numbers and e-mail addresses for the contacts. In addition, the calendar is e-mailed to all individuals who request it and is published on EGLE's web site.

Methods of notice shall accommodate those with impaired vision or hearing and those with Limited English Proficiency (LEP) in accordance with EGLE Policy No. 09-024, Nondiscrimination in EGLE Programs, and EGLE's LEP Plan (not yet published).

For all appropriate department actions that undergo public notice, EGLE will provide basic background information on the pending action to the affected community and use available resources to get information about community needs, such as:

- Methods to effectively inform residents.
- Identification of needs and services for community members with LEP.
- Identification of needs of community members with disabilities.
- Locations and times for public meetings suitable to meet the needs of the community.

The public notice will clearly state the department action; public comment period dates; and time, date, and location of public meetings/hearings. The following language will be added to all public notices:

Individuals needing language assistance or accommodations for effective participation at the meeting/hearing [choose which is appropriate] should contact [insert contact name and phone number] by [insert date two weeks in advance of the meeting/hearing date] to request language, mobility, visual, hearing, translation, and/or other assistance.

EGLE does not to discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities and prohibits intimidation and retaliation, as required by applicable laws and regulations [see EGLE Policy No. 09-024, Nondiscrimination in EGLE Programs].

Public Meetings/Hearings

Role of EGLE

In preparation for a public meeting/hearing, EGLE takes the following actions:

1. Division staff works with the Environmental Support Division's Program Liaisons, the Office of Public Information staff, the Office of Legislative Affairs staff, the Office of the Environmental Justice Public Advocate, and other EGLE and state agency staff as appropriate.

2. Within the confines of the decision-making process, EGLE provides the community with information regarding department actions and decisions via ongoing engagement with community leaders, public officials, environmental groups, concerned citizens, and the affected source.
3. Written information will be made available for persons without Internet access when requested.
4. Public Notices are written in terminology and languages easily understood, except where specific Public Notice language is otherwise required by statute or rule. When required, notices will be placed in legal notice sections or other sections of local publications. The Public Notice will include an agenda or a specific statement of the purpose of a public meeting/hearing.
5. For appropriate permitting or licensing transactions, EGLE encourages applicant(s) to meet with community stakeholders to promote open dialogue early in the process. As discussed below, preferably initial public outreach occurs prior to the submission of an application.
 - a. In such cases, the applicant(s) will be encouraged to provide notice to residents located in and around affected communities about the pending permit/license application and the proposed project and to provide basic information about the project to interested residents.
 - b. The applicant(s) are encouraged to develop a Community Relations Plan to structure ongoing dialogue with neighboring communities.
6. As outlined in EGLE's LEP Plan, EGLE will take reasonable steps to ensure meaningful access by persons with LEP, and to provide an interpreter when it is known that there are community members with LEP or when EGLE receives a request for an interpreter within two weeks of any public hearing or meeting and when the need for an interpreter is adequately justified as outlined in EGLE's LEP Plan.
7. EGLE will ensure that meeting facilities can accommodate individuals with disabilities in accordance with EGLE Policy No. 09-024, Nondiscrimination in EGLE Programs.
8. EGLE will prohibit the use of texting, or other forms of electronic communication, by department staff during an open meeting that constitute deliberations toward decision-making or actual decisions in a manner that violates the Open Meetings Act, 1976 PA 267, as amended.
9. Informational Sessions, Townhalls, and Open Houses – EGLE may hold an informational meeting in conjunction or separately from a public hearing.
 - a. The purpose of an informational meeting is typically to inform the residents in and around an affected community of the scope and nature of the project in a timely, interactive manner and explain the permitting/licensing process. An informational meeting may be held prior to a public hearing or may be held when a public hearing is not required.
 - b. Informational meetings may also be held to explain enforcement-related matters, remediation projects, or other EGLE activities that are of concern to the public.
 - c. EGLE will develop an agenda and/or a specific statement of the purpose of the meeting.
10. Fact Sheet and Project Summary
 - a. When appropriate, EGLE will provide a plain language summary of the major aspects of the proposed project, including the purpose and location of the proposed activity and affected source, and any anticipated environmental impacts, and any controls or work practices that will limit those impacts.

- i. EGLE will follow the steps set forth in EGLE Policy No. 09-024, Nondiscrimination in EGLE Programs, and EGLE's LEP Plan to ensure meaningful access and to determine whether to translate fact sheets and project summaries.
- b. Document Availability
 - i. EGLE will take every effort to make information available to residents in affected communities in a timely and efficient manner.
 - ii. EGLE may create document repositories and place information on the Internet.
 - iii. EGLE will provide information when requested through the Michigan Freedom of Information Act, 1976 PA 442, as amended.

Role of the Community

EGLE recognizes community engagement, including co-planning and co-sponsoring of events, is critical to successful public participation. To the extent practical and given the statutory and regulatory framework of individual programs, EGLE will develop public participation plans in coordination with affected communities. When appropriate and permitted by statute, EGLE will partner with community organizations to plan events, including townhalls, open houses, informational sessions, public meetings, and public hearings. Groups involved will share responsibility for the events and will be responsible for determining event logistics, such as where, when, and how events will be conducted. It is the intention of EGLE that local community members will take leadership roles in these events, including serving as translators, facilitators, and panelists.

Role of Affected Source

During a public meeting/hearing, it is vital that EGLE not appear to be endorsing or promoting the activities of the applicant that is under review and the subject of the meeting/hearing. Therefore, the applicant should not play an active role in the planning of, or participation in, the public meeting or hearing. This includes being allotted special time to present at the meeting/hearing. EGLE suggests that the applicant host its own meeting should the source want to provide this information to the community. When appropriate, the applicant may participate passively in an EGLE public meeting. Passive participation may include attending as a participant, staffing a resource table, or developing documents to have available on the web site or at the meeting (with approval from EGLE).

Continuous Improvement

It is the policy of EGLE to continually improve public involvement in EGLE programs and activities. As part of that process, EGLE will train staff on the integration of public engagement into their job responsibilities. Because of the differences in the details among the variety of EGLE programs, this policy provides a broad overview of things to consider as part of the process and does not describe how such improvements are to be made or a specific process to facilitate public involvement. Rather, each program division will continually identify and implement public engagement improvements in the administration of its programs. In doing so, program managers will consider, at a minimum, the following:

- Incorporating the continuous improvement of public involvement in EGLE programs and activities as part of their internal training sessions.
- Increasing staff skills for working with the public, including communication skills, conflict resolution, and public meeting facilitation.

- Encouraging staff involvement in work-related professional organizations and their local communities.
- Identifying opportunities for increasing the effectiveness of public involvement, including the timing and nature of the public notice and input.
- Facilitating public understanding of issues before EGLE, including notice of pending decisions, the factors that EGLE considers in reaching a decision, the technical information that EGLE has before it in the decision-making process, and the basis of the decision when it is made.
- Advancing the public's understanding of, and ability to work within, EGLE organizational structure and decision-making processes.
- Improving working relationships with local units of government and non-governmental organizations, including stakeholders, community groups, and the media.
- Improving the technical means by which EGLE conveys and receives information, including use of the Internet.
- Establishing a group to facilitate the activities of the various EGLE divisions and ensure a consistent baseline of service delivery.

In order to implement this policy, each EGLE Deputy Director and Division Director will have an annual performance objective to improve public involvement for their respective programs.

APPROVING AUTHORITY

Liesl Eichler Clark, Director

HISTORY

Policy No.	Action	Date	Title
09-007	Created	04/05/2002	Interim Policy on Public Participation and Community Outreach for Controversial Department Actions
09-007	Revised	02/21/2003	Same as above
09-007	Revised	01/14/2005	Policy on Public Involvement in Department Programs and Activities
09-007	Revised	01/21/2020	Policy on Public Involvement in Department Decisions

CONTACT/UPDATE RESPONSIBILITY

Any questions or concerns regarding this policy and procedure should be directed to the Nondiscrimination Compliance Coordinator, Executive Office, at EGLE-NondiscriminationCC@Michigan.gov.

An EGLE policy and procedure cannot establish regulatory requirements for parties outside of EGLE. This document provides direction to EGLE staff regarding the implementation of rules and laws administered by EGLE. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and does not have the force and effect of law. EGLE staff shall follow the directions contained in this document.