



## DEPARTMENT POLICY AND PROCEDURE

### 09-007 – Public Participation in Department Decisions

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Distribution: All EGLE Employees

### ISSUE

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Public participation is a vital part of many programs administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). A successful public participation process ensures equitable access and meaningful involvement for those who are most likely affected by an EGLE action.

This policy provides a framework and outlines steps for EGLE to consider once it has determined that an agency action will include a public participation process. Some actions have public participation requirements from statutes and implementing regulation. For these actions, a minimum level of public participation opportunity is required. This policy provides a framework that can be used to support existing and new participation activities as feasible but does not add any requirements to EGLE actions.

### DEFINITIONS

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**Access and functional needs (AFN)** – those who may have additional needs to effectively participate, including but not limited to, physical, developmental, or intellectual disabilities; diverse cultures; limited English proficiency or non-English speaking; low-income, unhoused, and/or transportation disadvantaged; and/or older adults.

**Agency action** – activities EGLE undertakes to achieve its mission, including rules and regulations, permit decisions, project or plan approvals, significant compliance actions, policy or guidance documents, and the development of key EGLE initiatives or programs. For purposes

of this policy, an action does not include any action or decision made on behalf of EGLE through boards, commissions, committees, or advisory councils.

**Environmental justice** is the equitable treatment and meaningful involvement of all people, regardless of race, color, national origin, ability, or income and is critical to the development and application of laws, regulations, and policies that affect the environment, as well as the places people live, work, play, worship, and learn.

**Equitable treatment** – equitable treatment means no group of people bears a disproportionate share of the consequences from governmental actions resulting from governmental, industrial, or commercial operations or policies. All people benefit from the application of laws and regulations and barriers, such as poverty and lack of access, are eliminated, as well as repairing systemic injustices.

**Meaningful involvement** – the process through which people have an opportunity to participate in decisions that affect their environment and/or health, decision makers seek out and facilitate the involvement of those potentially affected, people’s concerns are considered in decision-making processes, and people can influence state agency decisions.

**Plain language** – clear, effective, and accessible verbal and written communication. Plain language presents technical and scientific information in a way that is easier to understand for a wide audience and the general public.

**Public** – refers to the broadest sense of public including the general public, stakeholders, and environmental partners.

- *General public*: any individual or group not necessarily associated with decision-making power or special interests but may have an interest in the outcome of a decision.
- *Stakeholders*: any individual or group that has a stake in the outcome of a decision including, but not limited to, community-based organizations, local units of government and officials, block clubs and neighborhood associations, faith-based organizations, regulated sources, businesses and commerce, and impacted community members.
- *Environmental partners*: governmental or nongovernmental entities that work in partnership with EGLE to facilitate environmental-related efficiencies, effectiveness, and cooperation including, but not limited to, local, state, federal, and tribal agencies and departments.

**Public comment** – a comment submitted to EGLE during a public comment period providing feedback on a proposed action under consideration by EGLE.

**Public comment period** – a designated time during which EGLE invites the public to provide feedback, comments, and opinions on a proposed agency action.

**Public meeting/hearing** – an opportunity for the public to provide verbal or written testimony regarding a proposed agency action under consideration by EGLE. Requirements for public

meetings/hearings vary depending on the nature of the action under consideration and the different statutes and administrative rules that apply.

**Public notice** – communication of an upcoming agency action as required by statute or administrative rules that must include certain elements, depending on the applicable statutes or administrative rules.

**Public notification** – information alerting the public of a proposed agency action. This may include a public notice as well as broader marketing and communications.

**Public participation** – a process through which those who will be affected by or interested in a proposed agency action have an opportunity to comment on its content before the decision is made.

**Regulated entity** – any source, facility, owner, or operator under the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; other state and federal statutes; or administrative rules 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 where the authorization or action requires a public notice and public comment period.

## **POLICY**

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EGLE seeks public participation in many forms across its programs and various actions.

This policy covers proposed agency actions for which EGLE is requesting public input.

While some specific aspects of agency actions and public participation must follow statutory and regulatory framework, public participation led by EGLE will strive to:

- Ensure equity, environmental justice, accessibility, fairness, understanding, and meaningful involvement.
- Be transparent about the public participation process, including the objective and purpose, the scope and timing, how input will be collected and used, and work in a time frame that is understood and predictable by involved parties.
- Identify the decision-maker(s) before a decision is made for actions requiring an agency decision or as required by statute or regulation.
- Explain how the decision-making process considered relevant and timely comments, if applicable, thereby letting participants know the extent to which their comments were considered.
- Provide the community with information regarding agency actions through ongoing engagement with community leaders, public officials, environmental groups, concerned citizens, and regulated sources.

## **FRAMEWORK FOR PUBLIC PARTICIPATION IN AGENCY ACTIONS**

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Public participation is required for many agency actions. EGLE staff should use this framework as a guide throughout the public participation process. The tools and approaches in this section will vary and should be adjusted to best fit the circumstances of each action and the level of participation.

### **A. ENVIRONMENTAL JUSTICE AND ACCESSIBILITY CONSIDERATIONS**

Ensuring meaningful involvement and equitable treatment is a priority for EGLE.

Consideration of environmental justice and accessibility must comply with EGLE Policy 09-024, Nondiscrimination in EGLE Programs; EGLE’s Language Access Plan; as well as state and federal regulations.

#### **1. Environmental Justice for Proposed EGLE Actions**

As part of evaluating environmental justice concerns for proposed agency actions, staff should conduct an analysis with a screening tool as soon as the need for public participation is determined.

If potential concerns are identified, early notification to division management and the Office of the Environmental Justice Public Advocate is recommended. If an action is proposed for an area with environmental justice concerns, staff should employ additional measures to enhance the public participation process. These measures could include additional outreach, meetings, and longer comment periods.

The environmental justice evaluation can be done in a screening tool such as the United States Environmental Protection Agency’s (USEPA) Environmental Justice Screening and Mapping Tool (EJScreen) or the Michigan Environmental Justice Screening Tool (MiEJScreen).

#### **2. Accessibility and Functional Needs**

Additional considerations for accessibility should be factored into the public participation process for individuals with AFN including:

- **Language access** – An evaluation following EGLE’s Language Access Plan should be conducted for each action undergoing public participation. The plan provides guidance to proactively determine whether accommodations, such as document translation and interpretation, are necessary. EGLE may also receive requests from the public for translation and/or interpretation. Staff must take reasonable steps to accommodate these requests based on timing and resources.
- **Communication** – Develop and provide materials in plain language and accessible formats. Provide a variety of ways and formats for the public to submit comments on proposed actions. Consider limitations such as internet access.

- **Meeting location** – Meetings should be in a convenient location for community members (schools, libraries, community centers), Americans with Disabilities Act (ADA) accessible, and accessible by multiple modes of transportation. If the meeting will be virtual, the meeting must include an option for the public to participate and provide comment via internet and phone.
- **Timing** – Public meetings or hearings will not conflict with religious holidays, election days, or state and federal holidays. Meetings should be held during times that are accessible.

## B. PREPARING FOR PUBLIC PARTICIPATION PROCESS

### 1. International Association for Public Participation (IAP2)

IAP2’s Spectrum of Public Participation can be used to determine the level of engagement with the public appropriate for an agency action. The spectrum covers five levels of public participation: inform, consult, involve, collaborate, and empower. The level of public participation should be clearly explained to the public.

IAP2 Spectrum of Public Participation<sup>1</sup>

IAP2’s Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public’s role in any participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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<sup>1</sup>Credit: International Association for Public Participation (IAP2)

## 2. Potential Stakeholders and Roles

EGLE staff should identify and consider roles of potential stakeholders to involve in the public participation process, including but not limited to:

- **Community groups and residents** – Community involvement depends on the type of the public participation. It is important to engage with community groups and residents as early as possible in the process to determine unique needs of the community, how best to get the word out (notification) and planning an effective meeting or engagement session. EGLE staff may partner with the community to plan events and opportunities for public participation.
- **Local units of government and officials** – Notify local units of government and officials of an issue or action that may affect their residents and constituents. In some cases, plan alongside or with local government officials for public meetings and/or hearings.
- **Regulated entity** – Regulated entities are strongly encouraged to engage with community organizations and members prior to the regulatory process. 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 regulated source should not play an active role in the planning of, or participation in, the public meeting or hearing. There are some limited circumstances where an applicant may be asked to present the proposed project. Regulated sources may also participate by listening in at the public meeting or hearing, staffing a resource table, or developing documents to have available on the web site or at the meeting (with approval from EGLE).
- **Other state departments** – Depending on the type of agency action, EGLE may work with other state departments, such as Michigan Department of Health and Human Services, Michigan Department of Transportation, Michigan Infrastructure Office, or Michigan Economic Development Corporation. If other state departments are involved, at minimum, those departments should be involved in initial planning stages of public participation and preparation to determine what resources, capacity, and perspectives they can offer throughout the process.

## C. STEPS IN PUBLIC PARTICIPATION PROCESS

### 1. Leverage Support Staff:

EGLE has various outreach and engagement programs and roles to support the public participation process. These roles should be engaged early in the process and play an active role in the public participation process.

**EGLE Outreach Support Staff**

<b>Role</b>	<b>Division/Office</b>	<b>When to Contact</b>
<i>Outreach Liaisons</i>	Environmental Support Division	<ul style="list-style-type: none"> <li>• Supporting development of information and materials.</li> <li>• Securing a venue or scheduling in a virtual platform.</li> <li>• Moderating a virtual meeting.</li> <li>• Audio/visual needs.</li> <li>• Signage for live meetings.</li> <li>• Announcement communications (GovDelivery and social media).</li> <li>• ADA needs including translation services, sign language interpreter, and transcription services.</li> <li>• EGLE displays for live meetings.</li> <li>• Security for live meetings.</li> </ul>
<i>Community Outreach and Engagement Specialist</i>	Environmental Support Division	<ul style="list-style-type: none"> <li>• For high-interest sites and actions, development of community engagement materials and plan, sharing materials with community partners.</li> <li>• Assist the outreach liaison with the development and delivery of communications to the general public.</li> <li>• Assist in determining if additional outreach is necessary and help to facilitate that connection.</li> </ul>
<i>Public Information Officers</i>	Office of Public Information	<ul style="list-style-type: none"> <li>• For high-interest sites or actions, messaging, speaking to the media, and press releases.</li> </ul>
<i>Environmental Justice Advocate and Staff</i>	Office of Environmental Justice Public Advocate	<ul style="list-style-type: none"> <li>• Support for assessment of environmental justice concerns.</li> <li>• For high-interest sites or actions that have potential environmental justice concerns, support enhanced and/or targeted outreach, elevate issues and voices relevant to equitable treatment and outcomes, develop engagement materials specific to environmental justice concerns.</li> </ul>
<i>Legislative Liaisons</i>	Office of Legislative Affairs	<ul style="list-style-type: none"> <li>• Share any materials and public participation opportunities with appropriate legislative contacts related to an action.</li> </ul>

## 2. Preparing Information and Outreach Materials

When appropriate as part of the public participation process, EGLE staff should prepare information and outreach materials to help the public understand a proposed action which may include:

- a. Communications Plan – A plan to help staff organize the public participation process by outlining outreach materials, messaging, environmental justice considerations, and key stakeholders.
- b. Factsheets and project summaries – EGLE will provide a plain language summary of the major aspects of the proposed agency action, including the purpose and location of the proposed activity and regulated source, any anticipated environmental and health impacts, and any controls or work.
- c. Project Website – A basic overview of the site or the project, including basic information about topic area, contacts for the site, public participation opportunities, and any relevant historical data or materials.
- d. General information that helps explain the topic area and/or public participation period.

## 3. Notification

### a. Public Notice

Agency actions that require public participation and public notice through regulation or statute should be posted in EGLE’s calendar and other locations determined by applicable regulations or statutes (such as newspapers, document repositories, etc.). For each entry, the calendar must identify at least one point of contact and include a telephone number, email address, mailing address for the contacts, and what is included in the public notice. The EGLE calendar is published on EGLE’s website and available for individuals to subscribe for notification.

The public notice will clearly state the agency action; public comment period dates; time, date, and location of public meetings/hearings; and meeting agenda. Plain language should be used except where specific public notice language is otherwise required by regulation or statute. All public notices must include the following language:

*“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] to request language, mobility, visual, hearing, translation, and/or other assistance.*



*EGLE does not 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].”*

b. Other Notification Methods

For agency actions that undergo public participation EGLE should provide basic background information on the pending action to the affected community and use available resources to provide meaningful notification, including consideration of AFN.

EGLE typically uses more than one way to provide notification and may use one or more of the following:

- In a local daily as well as a local weekly paper to assure the greatest area of coverage.
- The EGLE calendar.
- Divisions/Offices public notice webpages.
- Email, if there is an existing interested parties list.
- EGLE subscription list (i.e., GovDelivery) – This is an electronic subscription service platform that can be used to reach a broader, non-targeted audience interested in EGLE topics and issue areas.
- Direct mail can be an effective way of contacting known interested parties or to notify residents and businesses near a particular facility. Mailing lists may include those who have been involved in previous public comment periods for sources in the area, local and state officials, the USEPA, and tribal governments, officials of Canada, Illinois, Indiana, Ohio, and/or Wisconsin.
- Social media.
- Project or facility websites.
- Flyers posted in public spaces relevant to known interested parties or to residents/businesses near a particular site or facility.
- Community stakeholders/word of mouth.

#### 4. Public Meeting Format and Types

When determining appropriate format and type of meeting, reference Environmental Justice and Accessibility section in this policy. Meetings may occur in person, virtually, or hybrid, depending on the accessibility needs and regulatory or statutory requirements. Below is a table highlighting different types of meetings and when they might be applicable. When determining the format and types of meeting it is important to consider the geographic scope of the agency action.

a. Virtual, In-Person, or Hybrid

<b>Meeting Format</b>	<b>Details and When to Consider</b>	<b>Minimum Requirements</b>
<i>Virtual</i>	<ul style="list-style-type: none"> <li>• If community communication will not be unduly compromised by meeting virtually instead of in person.</li> <li>• If travel is restricted due to natural, economic, or other reasons.</li> <li>• On a case-by-case basis.</li> <li>• May not be an option for certain types of meetings under the Open Meetings Act.</li> <li>• Staff and resource considerations.</li> </ul>	<ul style="list-style-type: none"> <li>• A widely available platform such as Zoom or Microsoft Teams.</li> <li>• The ability to join via phone or online.</li> <li>• The ability to verbally voice comments and questions.</li> <li>• A closed-captioned recording of the meeting posted on EGLÉ’s YouTube channel and shared with the public.</li> </ul>
<i>Hybrid</i>	<ul style="list-style-type: none"> <li>• Both in-person and virtual options offered.</li> <li>• There is staff capacity and technical support to accommodate hybrid meeting.</li> <li>• If requested and/or would result in more meaningful involvement and public participation.</li> </ul>	<ul style="list-style-type: none"> <li>• In-person – Refer to in-person minimum requirements.</li> <li>• Virtual – Refer to virtual requirements.</li> </ul>

<b><i>Meeting Format</i></b>	<b>Details and When to Consider</b>	<b>Minimum Requirements</b>
<i>In-Person</i>	<ul style="list-style-type: none"> <li>• In-person only with no virtual option.</li> <li>• For environmental justice communities that may have limited access to the internet.</li> <li>• On a case-by-case basis.</li> <li>• For high-interest sites and activities.</li> <li>• If requested by community and/or would result in more meaningful involvement and public participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Proximity – The hearing location should be within a reasonable distance to regulated source and communities.</li> <li>• Capacity – EGLE staff will discuss expectations for attendance and/or previous attendance for the source or another source in the same general area. This information is used as a guide to determine the capacity needed.</li> <li>• ADA Accessibility – All hearing venues must be accessible. In addition, materials must adhere to ADA requirements.</li> <li>• Availability of audio-visual equipment.</li> </ul>



b. Type of meeting

<b><i>Type of Meeting</i></b>	<b>Details and When to Consider</b>	<b>Minimum Requirements</b>
<i>Informational Meeting</i>	<p>The format of an informational session has flexibility depending on the needs of the audience. It is recommended to open the informational session with an informal presentation summarizing “who we are” and “what we are there for.” An opportunity for the public to ask questions follows this short presentation by EGLE.</p> <p>Depending on the circumstances, questions and answers from the informational session may not be part of the public record. This is announced/made known by the meeting moderator. When scheduled in relation to a public hearing or public comment period, an informational session is a way for questions to be asked and answered to help formulate a comment for the record.</p>	<ul style="list-style-type: none"> <li>• Informational presentation.</li> <li>• Include staff who are able to answer questions anticipated to be asked by the public; this would be determined before the informational session. They may include staff with expertise in various EGLE subjects, such as a permit engineer, inspectors, and district staff as well as others, as necessary.</li> <li>• Question and answer following presentation.</li> <li>• Scheduled during evening hours.</li> <li>• Can be in-person, hybrid, or virtual.</li> </ul>
<i>Open House</i>	<p>A type of informational meeting – the community is invited to engage with EGLE staff directly. Questions and conversation with staff are welcome. This may be used in conjunction with a panel if the venue has separate areas to facilitate this. This format is limited to an in-person meeting.</p>	<ul style="list-style-type: none"> <li>• All in-person meeting requirements.</li> <li>• Set up requires stations for each topic area. There are signs available to identify each group available to answer questions, along with resources and contact information.</li> <li>• Scheduled during evening hours.</li> </ul>

<b><i>Type of Meeting</i></b>	<b>Details and When to Consider</b>	<b>Minimum Requirements</b>
<i>Listening Session</i>	<p>A structured gathering or meeting in which EGLE actively solicits input and listens to the concerns, ideas, opinions, and feedback of community members about specific topics. Listening sessions do not have a question and answer.</p>	<ul style="list-style-type: none"> <li>• A short presentation on what topics and information EGLE is seeking.</li> <li>• Used for long-term planning and policy development.</li> <li>• Online or in-person.</li> <li>• If online, all information should be recorded and posted to EGLE YouTube and the website.</li> <li>• Scheduled during evening hours and if needed, during lunch hour.</li> <li>• Plan for a follow-up process. Let participants know how their feedback will be reviewed and what actions may be taken in response. Establish a timeline for communicating outcomes or decisions resulting from the session.</li> </ul>
<i>Public Hearing</i>	<p>A public hearing is an opportunity to provide verbal testimony. Public hearing requirements are found in different statutes and rules, based on the action.</p>	<ul style="list-style-type: none"> <li>• Scheduled during evening hours.</li> <li>• When possible, post to calendar with as much advance notice as possible.</li> <li>• Should be recorded and posted if online.</li> <li>• EGLE will limit the use of texting, or other forms of electronic communication, by department staff conducting a public hearing to purposes related to ensuring smooth operation of the meeting or safety of the participants during the meeting.</li> </ul>

## **5. Public Comment Period**

Public comment periods are an essential component of transparent and equitable public participation, allowing the agency to gather input from the community and affected parties before making final decisions on agency actions. A public comment period can range in length and in some comment periods, may be granted an extension.

The following are ways a public comment may be submitted:

- Email.
- Direct mail to the appropriate district, department, or staff.
- Voicemail.
- At a virtual or in-person public hearing/meeting.
- Through one of EGLE's online portals or systems, such as MiEnviro.

## **6. Decision and Follow-up**

After the close of a public comment period, EGLE reviews all written and verbal comments received, communicates how comments were considered as part of the process, including any changes made as part of the final action, and develops a response to the comments document that responds to relevant comments received and contains explanations of the basis for the decision. It is important to note that EGLE has limitations on what can be considered in agency actions based on regulatory or statutory authority.

## **D. IMPLEMENTATION AND CONTINUOUS IMPROVEMENT**

EGLE is committed to continuous improvement of public participation in department programs and activities. To support this policy, EGLE will establish a cross-division/cross-office public participation working group to discuss priorities, ensure implementation of the policy across all activities, develop best practices and staff resources, and maintain consistency across the department. This policy serves as a guide for the department to engage in public participation and will be regularly revisited to ensure it stays current.

As part of implementation and continuous improvement, EGLE will consider at a minimum the following:

- Provide consistent training to EGLE staff around public participation and the implementation of the policy through opportunities such as in-services, conferences, District Meetings, New Employee Orientation, webinar series, and more.

- Develop internal resources for staff to support enhanced and equitable public participation.
- Develop external resources to enhance understanding of the public participation process, how to get involved, and opportunities for engagement with EGLE staff and programs.
- Facilitate public understanding of the process, including notice of pending decisions, the factors that EGLE considers in reaching a decision, the technical information that EGLE considers in the decision-making process, and the basis of a decision when it is made.
- Encourage staff to proactively build and improve relationships with community organizations, residents, local units of government, non-governmental organizations, schools, faith-based institutions, local businesses, local media outlets, and any other important stakeholders.
- Identify opportunities for increasing the effectiveness of public participation, such as early notification, and combining comment periods for the same source.

To implement this policy, EGLE leadership (directors, supervisors, and management) in each division and office will work with staff and outreach teams to ensure meaningful public participation for their respective programs. This may include regular staff training, performance objectives, and budget considerations to enhance public participation.

## **LINKS TO ADDITIONAL INFORMATION**

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- [EGLE Calendar](#)
- [Environmental Protection Agency's Environmental Justice Screening and Mapping Tool \(EJScreen\)](#)
- [Michigan Environmental Justice Screening Tool \(MiEJScreen\)](#)
- [Spectrum of Public Participation](#)

## **APPROVING AUTHORITY**

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Phillip D. Roos, Director

**HISTORY**

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<b>Policy No.</b>	<b>Action</b>	<b>Date</b>	<b>Title</b>
09-007	Original	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
09-007	Revised	MM/DD/YYYY	Public Participation in Department Decisions

**CONTACT / UPDATE RESPONSIBILITY**

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Any questions or concerns regarding this policy and procedure should be directed to [EGLE-Engage@Michigan.gov](mailto:EGLE-Engage@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 administrative 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.

If you need this information in an alternate format, contact [EGLE-Accessibility@Michigan.gov](mailto:EGLE-Accessibility@Michigan.gov) or call 800-662-9278.