EGLE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Including Environmental Justice

Air Permitting in Michigan

The Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Air Quality Division (AQD) protects public health and the environment by applying air quality rules and regulations to sources of air pollution. The AQD prioritizes providing equitable access, meaningful public involvement, and transparency in its decisions. Our goal is to work closely with Michigan's diverse communities to ensure we maximize the use of available resources to communicate clearly about activities related to air quality. Although permit decisions are not directly based on whether a community is a known or suspected environmental justice community, the AQD works to ensure access and engagement while providing opportunities to build an understanding of available information. We strive to maximize input from community members as we work to better protect the public health of residents. This document has information about resources and how they may be used in air permitting.

What is Environmental Justice?

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.

Meaningful Public Involvement, Environmental Justice, and Title VI Considerations

EGLE has established a Public Participation Policy and Procedure, a Nondiscrimination Policy, and a Limited English Proficiency Plan as part of our commitment to meaningful public involvement. All EGLE policies, procedures, and guidance are followed during the public comment/hearing process when writing proposed permits.

The AQD uses tools like Michigan's MiEJScreen to perform Environmental Justice and Limited English Proficiency evaluations for each application where public participation is required. The EJSCREEN tool helps to identify which Environmental Justice indicators are higher for areas around a proposed or existing facility.

The AQD also strives to provide information for the public that is easy to understand. Everyone has a different level of familiarity with air quality rules, regulations, and procedures. We offer information about proposed permits at different levels of technical content, while still meeting the regulatory requirements related to technical and legal information.

How is Environmental Justice Considered in Air Permitting?

When a permit application is submitted and determined to be administratively complete, one of the first things a permit engineer does is determine whether public comment is required. If required, an Environmental Justice and Limited English Proficiency evaluation is done. This is done to ensure outreach and communication are the best fit for the community near the proposed project. Having this knowledge about a community also allows for enhanced public engagement in cases when alternative communication may be helpful.

Staff typically look within a one-mile radius of the proposed project, but this may be adjusted on a case-by-case basis. Adjustments occur based on population density and whether recent air quality work in the area has provided valuable information about the community.

Staff also consider the following:

- What is the proximity to residential areas?
- Are there nearby existing industrial companies with air permits?
- Is there a history of complaints in the area or with the company requesting the permit?
- What information do environmental justice screening tools provide?

How does AQD use Environmental Justice Screening Tools?

Using screening tools can be a first step in looking at potential environmental justice considerations. These considerations may include translation, additional outreach, or determining the best ways to engage with a specific community.

When an air permit application is submitted by a company, AQD staff evaluate the area around the proposed project using an environmental justice screening tool like the U.S. Environmental Protection Agency's (USEPA) EJSCREEN. EJSCREEN contains 13 socioeconomic and environmental justice indices. The 13 Indices include particulate matter 2.5, ozone, diesel particulate matter, air toxics cancer risk, air toxics respiratory hazard index, toxic releases to air, traffic proximity, lead paint, Risk Management Program facility proximity, hazardous waste proximity, Superfund proximity, underground storage tanks, and wastewater discharge.

The USEPA provides the following guidance on using EJSCREEN:

- EPA identified the 80th percentile filter as that initial starting point. In other words, an area with any of the 13 EJ Indexes at or above the 80th percentile nationally should be considered as a potential candidate for further review.

- The 80th percentile filter in EJScreen is not intended to designate an area as an "EJ community." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. The Agency may revise this approach in the future based on experience.

EGLE's AQD uses this guidance, existing policies and procedures (further discussed below) as well as anecdotal and other information to determine the next steps and to provide the best communication and outreach for each permit action.

Is Translation Needed?

A limited English proficiency evaluation is conducted for each application requiring public notice and comment. Following EGLE's Limited English Proficiency (LEP) Plan, AQD staff uses screening tools to look at a 1-mile radius around the facility. If the area has 5% or more of persons who speak English "less than very well", it is considered linguistically isolated, and translation of key documents is automatically done. Many times, more than one language is identified. In these cases, information will be translated into all languages shown to have 5% or more of the population being linguistically isolated.

For example, the following table shows populations of linguistically isolated speakers of both Spanish and Arabic. In this case, key information would be translated into both languages to help provide equitable access.

Languages Spoken at Home

Language	Percent
English	32%
Spanish	25%
Arabic	43%
Total Non-English	68%

What Information is Translated?

When the LEP evaluation or other information has shown that translation may be helpful, key information is translated. This includes, but is not limited to the following:

- The Notice of Hearing.
- The letter and email to interested parties (Interested parties list contains anyone who has indicated an interest in the action or similar actions in the area in the past).
- The notice or article sent through EGLE's subscription listserv for the AQD and Environmental Justice list. Currently, it contains more than 15,000 individuals.
- The Proposed Project Summary – A high-level overview of the proposed project, air quality in the area, and information about how to comment.

Additionally, key documents, webpages, and other announcements provide a phone number and email to contact for additional translation or accessibility requests. The email is EGLE-Accessiblity@Michigan.gov.

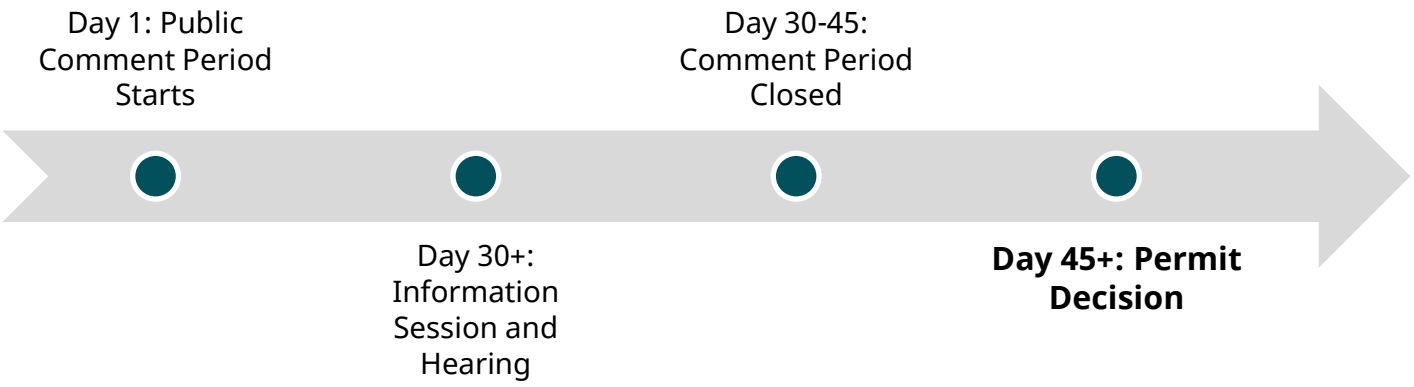
In some cases, simultaneous interpretation into other languages and American Sign Language has been requested per EGLE's LEP for meetings and hearings. In those cases, interpretive services may be provided by the department.

Is Plain Language Used to Communicate?

In addition to translating key information, plain language is used as much as possible. Air permits are technical, but the public needs to understand what the company is requesting and how the request may impact air quality, among other things. For this reason, letters, emails, webpages, the Notice of Hearing, and the Proposed Project Summary offer the simplest language related to any proposed project. The proposed project summary may also have general information about air quality in the area, health, translation, public comment, and how to contact the permit engineer with questions. Technical information is still provided as it is a requirement of the USEPA. The documents provided are intended to allow the public to get an overview of the proposed project or to diver deeper if they choose. This also allows the utmost level of transparency.

Public Comment Periods

In cases where public comment is required, at least a 30-day comment period must be held. When the environmental justice evaluation indicates enhanced public engagement may be helpful, the AQD may extend the comment period beyond the minimum of 30 days.



Example timeline

Receiving Comments

The AQD welcomes comments from the public. There are many ways to submit comments during a comment period, including:

- **Online:** MiEnviro Portal
- **Email:** Send to EGLE-AQD-PTIPublicComments@Michigan.gov
- **Mail:** AQD Permit Section Manager
  P.O. Box 30260
  Lansing, MI 48909-7760
- **Voicemail:** 517-284-0900
- **At the Public Hearing, if held**.

Although the public can submit any comments they would like to, some comments have a better possibility of impacting a final decision than others. For instance, general support or opposition does not factor in. Part of talking with communities about public comment is working to share information about what comments *can* impact the outcome of a final decision in a variety of ways. Comments from the public are encouraged during the comment period. Visit "Engage with EGLE" and check out Public Meeting and Public Comment for more information, Guidance about public comments is discussed during public meetings so residents can ask questions about this process, A recent Community Learning Session: Air pollution from Industry - Decisions, and how you can influence them, provided a case study on how comments from a community informed a final decision. This learning session was created and presented through a partnership with the USEPA and community groups in Flint, Michigan.

What is Enhanced Public Engagement?

In communities with known or suspected environmental justice concerns, enhanced public engagement can be very impactful. This type of engagement is designed to be adapted to the project, community, and situation being addressed. In addition to the things already discussed, when doing enhanced public engagement AQD staff works closely with other EGLE Divisions and Offices, as well as with community partners. Engagement like this is adaptable, and responsive, and is not limited to a simple checklist. Enhanced public engagement may include some or all of the following:

Initial Environmental Justice and Limited English Proficiency Evaluations

If the project is in a suspected or known environmental justice area, particularly if it is of known public interest:

- The Office of Environmental Justice Public Advocate (OEJPA) and EGLE's Community Engagement Coordinator are notified of the application and AQD may request assistance.
- The application may be posted on the Applications of Interest and/or site-specific page, if available. Once posted, the application is available for the public to view.
- An application summary may be written and shared with the community. NOTE: if a limited English proficiency evaluation shows translation may be helpful, it is done starting at this stage.

Working with Community Partners

Community members and advocates can be the best conduit to relay information to their communities. They are often a trusted voice to assist in explaining a proposed permit. Community partners can also be a valuable resource in planning a meeting and hearing so it is accessible to residents. The AQD works with community partners as much as possible in planning meetings and hearings. This may include:

- Small group meetings to help explain the project,
- Frequent direct communication about the proposed permit and the timing of upcoming meetings.
- Requesting assistance on what type of meeting may be most beneficial.
- Requesting assistance in a meeting location.
- Working on air quality related education projects that are outside of permit, or other, decisions.

Public Comment Period Announcement

The following outreach is provided upon the start of the comment period:

- Posted information to EGLE's public comment webpage, with translations, if applicable, at: Michigan.gov/EGLEAirPublicNotice and in MiEnviro Portal, including:
  - Notice of Hearing – Plain language information about comment period dates and meetings
  - Proposed Project Summary – Plain language summary of the project and interests in the area.
  - Technical Fact Sheet – Summary of Technical review of the application.
  - Proposed Permit Conditions – Proposed Permit conditions to review and consider.
  - Letter to the Company – Letter announcing the public comment period for the proposed permit.
  - Letter to Interested Parties – Plain language letter providing information about the comment period and how to participate in the process.
- Plain language email or mail to those who had expressed interest in nearby sources in the past.
- Posted in the EGLE Calendar - the start and end of the comment period as well as the date and details of an informational session and hearing, if held.
- Notice placed in a printed newspaper of general circulation.
- Copy of the Public Comment Documents sent to local municipal offices.
- Other outreach may include, but is not limited to:
  - Subscription notification sent via email.
  - Direct email to community groups, advocates, and interested parties.
  - Updates to the Michigan Advisory Council on Environmental Justice (MAC-EJ.)
  - Plain language meeting flyers distributed directly or through community groups.

Informational Sessions and Public Hearings, if held

Not every public comment period has a public meeting and hearing. However, informational sessions and public hearings are a part of many public comment periods. These meetings may be held virtually, in person, or as a hybrid (both in-person and online). How a meeting and hearing is held is determined on a case-by-case basis, but most often the decision is made based on knowledge of the community and, in some cases, with community input.

For in-person or hybrid meetings and hearings, location and timing are key. Consideration of holidays, elections, and other community events is done during the planning process. Community groups and local governments may help provide input on the most accessible locations for a community. Choosing a location within the community where the company is requesting the permit is a priority. Access to parking and public transportation are always considered.

Recordings of the meetings are posted at YouTube.com/c/MichiganEGLE, which allows for closed-caption translation on the recording after the event. Any meetings with simultaneous interpretation are also recorded and available online.

Length of comment period

The federal Clean Air Act, Michigan's Natural Resources and Environmental Protection Act and rules require public comment periods to be held for a minimum of 30 days. Recently, while holding virtual informational sessions and hearings, the AQD has allowed for extended comment periods of 45 days or more on a case-by-case basis. Having longer comment periods allows more time after the public meeting for community members to submit comments after they have been able to ask questions.

What happens after the comment period ends

After the comment period ends, AQD staff work to address comments received. Many times, comments focus on things like environmental justice, health, and cumulative impacts. Although not required as part of many permit actions, if comments are received, staff write a response to comments (RTC) document for permits opened for comment. The RTC is written to assist the decision maker in making a final decision on the permit and to explain why some comments may have led to changes in the final action and some may not.

The permit decision may be to issue the permit as drafted, issue the permit with changes, or deny the permit. Communication with interested parties about the decision is also important. Enhanced public participation still applies to this part of the project. AQD staff

will post decision documents online and will share the decision directly with anyone who was on the interested parties' list, commented on the project, or attended any meetings or hearings related to the project. This includes any comments that led to changes in final permit conditions, if applicable. Additionally, AQD will:

Post all decision documents at Michigan.gov/EGLEAirPublicNotice and in MiEnviro Portal.

- Translate key letters, emails, and other information if pre-decision documents were translated.
- Send letters and emails directly to interested parties.
- Announce decisions and any changes made based on comments through the subscription service.
- AQD Staff continue to be available to speak to residents about the decision.

Limitations

Whether a community has known or suspected environmental justice concerns, or scores over the 80th percentile on one or more of EJSCREEN's 13 socioeconomic and environmental justice indices does not determine if an air permit is approvable. The basis for a final decision is whether the project meets all applicable State and federal air quality rules and regulations. Not every comment submitted will lead to a change in a final decision.

EGLE encourages the regulated community to take voluntary steps toward addressing community concerns, even when the regulations do not mandate those actions. The AQD is not able to incorporate existing environmental justice concerns, community burdens, or whether there is overall support or opposition in a permit decision.

Connect with us!

The easiest way to keep up on environmental actions in Michigan is to subscribe to updates you are interested in. The Air Quality News and Info list is used to provide information on permits, public meetings and hearings, and other regulatory and community-focused events.

Subscribe to the EGLE Calendar to get alerts on events and public comment.

You can also connect through social media.

@MichiganEGLE on Facebook

@MichiganEGLE on Instagram

EGLE on LinkedIn

@MichiganEGLE on X

@MichiganEGLE on YouTube

Additional Resources

Part of creating information that is accessible is ensuring resources exist outside of formal comment periods that can help inform and educate. In addition to documents written to address specific proposed projects, EGLE has a Community Learning Series and a webpage dedicated to community-focused resources. These are designed to help community members submit comments that may impact permit decisions, as well as to learn more about environmental rules and regulations.

Resources like those mentioned above, as links to other community and public participation resources may be found at Michigan.gov/EGLE/Public/Engage.

EGLE's Office of Environmental Justice Public Advocate provides many tools and resources to help residents understand environmental justice and how the agency works with our environmental justice communities. The Office works collaboratively across state government to advance Environmental Justice and equity in Michigan, as well as addressing environmental justice concerns and complaints.

EGLE promotes the equitable treatment and meaningful involvement of Michigan's residents regarding the development, implementation, and enforcement of laws, regulations, and policies. Equitable treatment means that no group of people bears a disproportionate share of the negative consequences resulting from governmental, industrial, or commercial operations and policies. Meaningful involvement means all people have an opportunity to participate in decisions that affect their environment and/or health.

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.

Individuals with disabilities may request this material in an alternative format by emailing EGLE-Accessibility@Michigan.gov or calling 800-662-9278.