



MICHIGAN CHAPTER

Sierra Club Support For Senate Bill 393 and 394

January 25th, 2024

To: Chair Pohutsky and Members of the Committee

Honorable Members of the House Natural Resources Committee:

On behalf of our 150,000 members and supporters here in Michigan, the Sierra Club is supportive of Senate Bills 393 and 394. When Governor Rick Snyder signed Senate Bills 652, 653, and 654 into law in 2018 he codified three private-sector-based panels under the DEQ (now EGLE). However, in 2019, Governor Whitmer eliminated the Environmental Science and Advisory Board when she reorganized the Department into what is now the Department of Environment Great Lakes and Energy. Senate Bill 393 simply would just reflect current practice.

The EPRC has created an unnecessary level of government bureaucracy within an agency that is already overburdened and underfunded, and only further delays the permit application process. Once an appeal is submitted all processing of the permit is stopped. Over 90% of permits are approved and there are already opportunities within the permitting process for EGLE staff and experts to work with the applicants to fix any of the issues that may arise. Almost every time the EPRC confirms EGLE's position, providing no further benefit to the people of Michigan or our natural resources.

Furthermore, contested cases require a legal analysis from a 3-person panel from the commission without having any legal license or background requirement, which is problematic. This panel simply could adopt, remand, modify, or reverse, in whole or in part, a Final Decision and Order of an Administrative Law Judge. Under current statute, the Michigan Office of Administrative Hearings and Rules, must guide the process and provide the panel with all the necessary staff for the panel, which EGLE has to pay for. Contested cases include tens of thousands of pages of administrative records and legal documents that staff and panel members must compile and read, which takes up a chunk of time and resources.

Contested cases go through EGLE permit staff, supervisors, and other departmental staff at the local, district, and higher levels. They also include other state and federal agencies and an administrative law judge. This is redundant and only slows EGLE down from carrying out its work to protect our environment as contested cases will continue regardless of this commission.

In closing to reiterate, these commissions are unnecessary, do not provide a direct benefit to protecting public health and our environment wasting taxpayer money, and are not equipped with the expertise to make legal decisions for the state. Instead what we should be doing is using the wasted financial and staff resources to ensure the department has the funding, tools, authority, and staff capacity necessary to prioritize and protect public health and the environment.

Sincerely,

Tim Minotas
Deputy Legislative and Political Director
Sierra Club Michigan Chapter