



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

May 18, 2018

VIA E-MAIL

Ms. Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
United States Environmental Protection Agency
Washington, DC 20460

Dear Ms. Dorka:

SUBJECT: EPA File No. 17RD-16-R5

Thank you for your correspondence of October 6, 2017, and April 18, 2018, building on our previous collaborative work to resolve the above-referenced matter. As you are aware, the Michigan Department of Environmental Quality (MDEQ) has been involved with only two environmental justice complaints over the last 25 years. We are committed to resolving this matter informally, by addressing the three areas identified in your letter, consistent with Title VI of the Civil Rights Act of 1964 and the United States Environmental Protection Agency (USEPA) regulation 40 CFR Part 7.

The MDEQ has taken several actions to ensure public participation and nondiscrimination protocols not only meet the requirements of 40 CFR Part 7, but go above and beyond them. The enclosed updated draft MDEQ policies and procedures (Public Involvement, 09-007, and Nondiscrimination in DEQ Programs, 09-024) deliver far more than required under the regulations. In addition, the MDEQ is partnering with the Michigan Department of Civil Rights (MDCR) to develop a nondiscrimination and environmental justice training program (see enclosed) that will be required for all MDEQ employees, including a module added to our New Employee Orientation. A refresher training course will be a required component of every MDEQ employee's annual performance review.

The draft MDEQ policies and procedures include the following actions:

- The MDEQ nondiscrimination notice will be posted in MDEQ offices and on the Web site, as well as included in all MDEQ public event notices, in English, Spanish, and Arabic, as appropriate.
- The MDEQ has established and filled a position responsible for implementing the requirements in accordance with 40 CFR Section 7.85.

- Ms. Katherine Kruse was hired in January 2018 and has taken the position of the MDEQ Nondiscrimination Compliance Coordinator (NCC). Her contact information will be included on the MDEQ Web site and in all nondiscrimination materials.
- The MDEQ NCC is responsible for tracking compliance with 40 CFR; ensuring prompt, appropriate, and impartial handling of complaints; and providing annual reports evaluating the MDEQ compliance with the regulations, as well as analyzing complaints for commonalities or trends.
- A discrimination grievance complaint process and complaint form are available through the NCC or quick links on the MDEQ Web page, including a description of the step-by-step process for receiving and resolving discrimination complaints.
- The NCC and persons involved in informal resolution of discrimination complaints will be trained in Alternate Dispute Resolution.
- The MDEQ will provide interpreters and visual/hearing/physical disability assistance at all public meetings as requested.
- The MDEQ will maximize public participation by implementing the community-tailored actions specifically for all permit-related public meetings, as well as any MDEQ-sponsored public meetings.
- For significant permit actions, the MDEQ will provide fact sheets and other application "vital documents" for public access and review. The MDEQ encourages communication between the permit applicant and the community to promote open dialogue.
- All documents related to MDEQ public meetings will be provided in alternate languages as needed, based on the 4-factor community needs test. This pre-meeting preparation process is a component of the MDEQ Limited English Proficiency Program.
- The MDEQ is developing a Public Participation Continuous Improvement Program, based on experiences gained through MDEQ public meetings and trainings offered for government entities through the USEPA or professional services.

The draft MDEQ policies and procedures (Public Involvement, 09-007, and Nondiscrimination in DEQ Programs, 09-024) are currently under review by the MDCR and Governor Rick Snyder's office.

Ms. Lilian S. Dorka

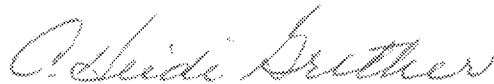
Page 3

May 18, 2018

In closing, we appreciate the communications from your office, including the opportunity to provide you with an update on our actions. I look forward to continuing a collaborative approach, consistent with the Cooperative Federalism approach advocated by USEPA Administrator Scott Pruitt, which supports the design of a program to best suit Michigan's communities' unique cultural and socio-economic demographics. We are reviewing the draft Agreement between the MDEQ and USEPA regarding EPA File No. 17RD-16-R5 to compare it to the program and policy changes identified in this letter and in the enclosed draft MDEQ policies and procedures. It is our hope and intent that this information provides the External Civil Rights Compliance Office with sufficient documentation of measurable progress facilitating our further actions.

If you have any questions, please do not hesitate to contact me.

Sincerely,



C. Heidi Grether
Director
517-284-6712

Enclosures

cc/enc: Mr. Ken Wagner, Senior Advisor to the Administrator, USEPA
Ms. Cathy Stepp, Regional Administrator, USEPA, Region 5
Mr. Michael Zimmer, Governor's Office
Mr. John Leone, Michigan Department of Attorney General
Ms. Mary Engelman, MDCR
Ms. Susan Leeming, External Relations Deputy Director, MDEQ
Ms. Katherine Kruse, Nondiscrimination Compliance Coordinator, MDEQ
Mr. Dennis Mack, MDEQ