

Statement of Steven E. Chester
Confirmation Hearing
February 11, 2003

Chairman Sikkema and Members of the Committee

It is my pleasure and honor to be here before you this afternoon as you consider my confirmation as the next Director of the Michigan Department of Environmental Quality or DEQ.

Let me begin by echoing a sentiment recently expressed by Chairman Sikkema. I too believe that environmental stewardship is not a partisan issue, but rather a responsibility shared by each of us as citizens of Michigan. I thank you as Committee Members for this opportunity to share my views - and hear yours - on matters we both consider of importance to environmental protection and natural resource preservation. Let me assure you that as the Director of the DEQ, it is my intent to lead an agency that is dedicated to protecting our environment and the health and well being of all Michiganian's. As environmental stewards, we at the DEQ will provide honest, inclusive and effective public service.

For those of you unfamiliar with my background, let me briefly comment on my work experience. For the past seven years I have been an attorney with the law firm of Miller, Canfield, Paddock and Stone, specializing in environmental representation. Prior to that, I was Deputy Director of the United States Environmental Protection Agency's - or EPA's - Office of Criminal Enforcement. I also served in an earlier capacity at EPA as the Deputy Enforcement Counsel for the Resource Conservation and Recovery Act - the agency's hazardous waste enforcement program. From 1986 through 1992, I was an Assistant Attorney General in the Environmental Protection Division of the Michigan Department of Attorney General; and I began my career as an Assistant Prosecuting Attorney in the Wayne County Department of Health, Air Pollution Division from 1982 through 1986.

There is much that we, the Legislature and the Executive Branch, share in common on matters of environmental law and policy. For instance, as identified in the bipartisan Great Lakes Conservation Task Force Report of 2002, it is vitally important that we protect and preserve our Great Lakes' waters and resources.

- We agree with the Report's recommendation that the Legislature enact comprehensive water withdrawal laws, starting with an aquifer protection statute.
- We also share the Legislature's concerns regarding the damage being done to our Great Lakes fisheries by aquatic nuisance species, and stand ready to assist the Legislature in its efforts to combat this problem.

- We also agree, as stated in the Task Force Report, that improvements can be made to the federally-delegated National Pollutant Discharge Elimination System - or NPDES - permit program to protect surface water quality. Further, I believe, as did the Task Force, that an NPDES permit fee should be considered by the Legislature to cover the costs associated with the DEQ's administration of the program. Michigan is one of only a handful of states that does not assess a fee for this service.

There are many additional recommendations made in the Task Force Report that the DEQ is prepared to assist the Legislature with, but let me move now to another matter of great consequence to Michigan - Urban Sprawl. The land use decisions we make can and often do have a debilitating impact on habitat and open space preservation, as well as on the quality of our water, wetlands, air and ecosystem. As you know, Governor Granholm and the Legislature recently announced the formation of a Land Use Planning Commission to be co-chaired by former Governor William Milliken and former Attorney General Frank Kelley. Many of you will be directly involved in the work of the Commission. I share your concerns regarding sprawl, and look forward to working with you and the other Commission members as an *ex officio* member of the Commission, and in providing DEQ staff assistance to the Commission.

Let me speak briefly to the issue of imported trash. This, too, is a topic on which there is and has been bipartisan support. Together, we should insist that trash coming into Michigan complies with our state health and safety standards - that it not contain liquid waste, used oil, lead acid batteries, PCBs and other wastes prohibited from disposal here in Michigan. The DEQ stands ready to administer and enforce legislation enacted by this Legislature that affirms our commitment to human health and the environment.

As Director of the DEQ, I am enthused by the common ground we share on issues of environmental stewardship. I look forward to working closely with all members of the Legislature as we at the DEQ seek to fulfill our obligations in administering Michigan's numerous environmental laws and policies.

I am mindful of the fact that in passing laws, the Legislature also expects me to enforce those laws. As mentioned, I have an extensive background in environmental enforcement. During my tenure at the DEQ we will implement and administer a predictable, reliable and effective enforcement program.

- Predictable in the sense that we will do our best to minimize surprises by educating the regulated community as to what is expected of them under the law, and by providing compliance assistance to small businesses as best we can given fiscal realities.
- Reliable in the sense that the public and regulated community will know with a high degree of certainty that non-compliance with the law will result in an enforcement response.

- Effective in the sense that the DEQ will choose the enforcement response most appropriate to the violation and the one that will best achieve overall compliance by the regulated community in a fair and evenhanded manner.

Let me end by emphasizing a personal priority of mine - Innovation. As a nation and as a state, we have made great progress through command-and-control regulation. By that I mean regulation that involves setting discharge and emission standards through rulemaking, and then issuing permits and orders requiring businesses to comply with such limitations. Command-and-control is the foundation on which virtually all of our regulatory successes – to date - have been based.

But achieving further environmental quality improvements requires an open mind and a willingness to innovate. This, I believe, is a mindset the DEQ must wholeheartedly embrace. In my tenure as Director, I will challenge staff to think creatively, to consider new ideas and ways of doing business, and to find solutions that do not compromise our commitment to protecting human health and the environment but allow Michigan businesses to grow and prosper and meet the demands of our fast paced, technology driven economy.

Thank you. I am prepared to answer any questions the Chairman and Committee Members may have.