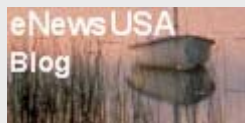
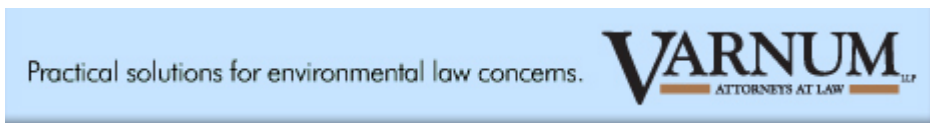


# Michigan Waste Report

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### WIMS Blogs Nominated For Prestigious LexisNexis Award

Jan 27: Waste Information & Management Services, Inc. (WIMS) is pleased to announce that three of our environmental information blogs -- eNewsUSA, Environmental Appeals Court, and Great Lakes Environment -- have all been nominated for prestigious recognition by LexisNexis Environmental Law & Climate Change Community (ELCCC). LexisNexis is a leading global provider of content-enabled workflow solutions designed specifically for professionals in the legal, risk management, corporate, government, law enforcement, accounting, and academic markets. LexisNexis provides customers with access to billions of searchable documents and records from more than 45,000 legal, news and business sources.

According to an announcement of the nominations from LexisNexis, "The environmental law and climate change practice area is part of an evolving phenomenon that is being touted in some circles as the next Rule of Law. Nowhere is this global renaissance more apparent than the blogosphere, which has spawned a surprisingly large (and growing) number of blogs in every conceivable niche category. For the first time, this Community will recognize the thought leaders who share their expertise -- and their divergent points of view -- with the online world by awarding an honorary designation to the Top 50 Blogs for Environmental Law & Climate Change. As many of you know, there are blogs, and then there are *blogs*. As we consider blogs for membership in ELCCC's Top 50, we look for timely topics, quality writing, frequent posts and that certain something 'extra' that keeps a web audience coming back for more. Our readers have come to expect nothing less, and we wouldn't have it any other way."

An initial list of nominees for ELCCC's Top 50 blogs for 2011 is included in the announcement (see link below). The announcement indicates that the top blogs campaign will move ahead in several phases. A comment period has begun and extends until February 14, 2011. Following the comment period, ELCCC staff will select the Top 50 Environmental Law & Climate Change Blogs for 2011. Thereafter, the matter will be put to a vote of the Environmental Law & Climate Change Community to pick the Top Blog of the Year.

ELCCC indicates that "if you want to nominate a new blog or say what you think about an existing nominee, you'll have to post a comment. It's easy and only takes a minute." To comment, users must register for a free account and then access the ELCCC Top 50 blogs announcement page (see link below). Scroll down to the bottom, past the listing of all nominees, fill in name, type comment in the box and press "Add." Comments will appear a few seconds later. Remember: the comment period for nominations closes on February 14 2011. WIMS encourages subscribers and readers to post a comment regarding our blogs.

WIMS is honored to be included among a very select group of blogs nominated including those published by (for example): Many distinguished law firms and attorneys from around the country; The New York Times; United States Environmental Protection Agency; The Environmental Defense Fund; Earthjustice; Erin Brockovich; Natural Resources Defense Council; Pace Law School; The Western Wildlife Conservancy; The Endangered Species Coalition; Defenders of Wildlife; International Fund for Animal Welfare; The Humane Society of the United States; American Rivers; The Clean Air Watch; and UC Berkeley School of Law and UCLA School of Law. The complete list of nominees is included on the 50 blogs announcement page (see link below).

Access the LexisNexis ELCCC 50 blogs announcement page ([click here](#)). Access eNewsUSA ([click here](#)). Access Environmental Appeals Court ([click here](#)). Access Great Lakes Environment ([click here](#)).

### USDA Funds 68 Rural Renewable Energy Study Projects

Jan 20: U.S. Department of Agriculture (USDA) Secretary Tom Vilsack announced that USDA Rural Development has selected for funding 68 study grants nationwide (6 Michigan projects) to determine the feasibility of renewable energy projects. The grants cover all five regions identified by the Secretary in his October speech to the National Press Club. The regions include the Northeast, Central/East, Southeast (including Hawaii), West and Pacific Northwest (including Alaska). In all, studies will be funded in 27 states and

the Western Pacific. Funding is made available through the Rural Energy for America Program (REAP) under the 2008 Farm Bill.

Vilsack said, "The Obama Administration is committed to helping our nation become more energy independent by helping rural businesses build renewable energy systems. The projects announced today will provide rural small businesses and agricultural producers the opportunity to conduct feasibility studies for renewable energy system installations. These investments will not only help our farmers and small businesses reduce energy costs, but also help find renewable alternatives to generate energy."

REAP loan guarantees and grants can be used for renewable energy systems, energy efficiency improvements, feasibility studies and energy audits. Funding of each recipient is contingent upon the recipient meeting the conditions for the grant.

Access an announcement from USDA and link to more information on the REAP program ([click here](#)). Access a complete list of award recipients ([click here](#)).

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### Indiana Michigan Power Wind Energy RFP

Jan 24: Indiana Michigan Power (I&M), an operating unit of American Electric Power (NYSE: AEP), has issued a request for proposals (RFP) for 100 megawatts of wind energy for use by its customers from a facility to be built in the I&M service territory. The wind project is expected to be operational by the end of 2012. Subject to regulatory approval from the Indiana Utility Regulatory Commission and the Michigan Public Service Commission (MPSC), I&M intends to have a 50 percent ownership interest in the project and enter into a long-term power purchase agreement with the successful bidder for the remaining 50 percent of the power generated from the wind facility. I&M currently purchases a total of 150 megawatts of wind power from the Fowler Ridge Wind Farm located in Benton and Tippecanoe Counties in Indiana. Potential bidders are required to pre-qualify to submit a proposal for this RFP. Pre-Qualification forms were due on or before February 2.

Access a release from I&M ([click here](#)). Access a copy of the RFP and related information ([click here](#)). Questions about the qualification process may be sent by email ([click here](#)). Access more information on I&M ([click here](#)).

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### MPSC Approves Renewable PPA For Detroit Edison

Jan 20: The Michigan Public Service Commission (MPSC) announced it approved a settlement agreement approving a long-term power purchase agreement (PPA) between The Detroit Edison Company and Blue Water Renewables, an affiliate of the utility. The PPA is for 3.2 megawatts of renewable energy, capacity, and renewable energy credits (RECs) from a unique landfill gas project in St. Clair County believed to be "the first commercial scale septage injection landfill gas source in the United States," that is, one that will use material extracted from septic tanks to promote faster landfill gas production.

Access a release from MPSC ([click here](#)). Access the MPSC docket for this action ([click here](#)).

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### MI Supreme Court Hears Jean Klock Park Case

Jan 21: The Michigan Supreme Court heard oral Arguments in the case of *Carol Drake and Clellen Bury v. The City of Benton Harbor and Harbor Shores Community Redevelopment Inc* (Case No. 140685). According to a posting by the Friends of Jean Klock Park, who are opposed to the park conversion, they are "cautiously optimistic that the court will rule in our favor." Although it is anticipated that a decision will be made sooner, the court has until July 31 to reach a decision. In the long history of the controversy, the National Park Service and State of Michigan approved the conversion of Jean Klock Park in the City of Benton Harbor along the shore of Lake Michigan as part of the privately-owned golf course backed by Whirlpool Corporation and championed by former Governor Jennifer Granholm. Additionally, the U.S. Sixth Circuit Court of Appeals will hear oral argument in a separate Federal lawsuit sometime during the spring of 2011.

According to the background posted on the Supreme Court's website, in 1917, J.N. and Carrie Klock conveyed 90 acres of land to the city of Benton Harbor. The deed states that the land is "conveyed to [the City] upon the express condition, and with the express covenant that said lands and premises shall forever be used by said [City] for bathing beach, park purposes, or other public purpose; and at all times shall be open for the use and benefit of the public, subject only to such rules and regulations as said [City] may make and adopt." The

city accepted the Klocks' gift by city resolution on May 7, 1917, which expressly recognized that the land was accepted "subject to the conditions set forth in said Deed." The city developed the land into Jean Klock Park, which included a bathing beach, lagoons, a lakefront boulevard and park amenities, and a water treatment facility.

In 2003, the city announced that, because of financial difficulties, the city would sell an underutilized portion of Jean Klock Park to Grand Boulevard Renaissance, LLC, which intended to construct a residential development on the property. The plaintiffs, residents of Benton Harbor, filed a lawsuit challenging the city's right to convey the property, asserting that such a conveyance violated the deed's covenants and restrictions. The case was settled, and the parties agreed to a consent judgment that allowed the sale of a portion of Jean Klock Park to the private developer in exchange for an injunction against further privatization or conversion of the park. The consent judgment stated that Jean Klock Park shall not be used "for any purpose other than a bathing beach, park purposes, or other public purpose related to bathing beach or park use; provided, however, that there shall be no recreational vehicle park campsites.... The restrictions in this paragraph shall run with the land and shall be binding upon the City and its successors."

In July 2005, the city and Harbor Shores Community Redevelopment Corporation announced that they wished to use a portion of Jean Klock Park for a golf course that would be part of a privately-owned mixed-use development consisting of commercial and retail buildings, residences, the golf course, a marina, and other recreational uses. The project would use twenty-two acres of park land for three holes of an 18-hole Jack Nicklaus championship golf course. The city would lease the necessary land to Harbor Shores for a period of up to 105 years.

On July 8, 2008, the plaintiffs sued, seeking enforcement of the restrictions in the deed and the consent judgment. The plaintiffs argued that the consent judgment's intent was to require that the Jean Klock Park continue to be used for passive recreational use – the same way it had been used since 1917. Harbor Shores and the city responded with motions for summary disposition, which were granted. The plain language of the deed and the consent judgment did not support the plaintiffs' allegation that the intent of the consent judgment was to require that the park continue to be used only for passive recreation, the court stated. A golf course is a park purpose, the judge ruled, or certainly a public purpose related to a park use. The circuit court further held that, because the city itself is empowered to use the park land as a golf course, the deed and consent judgment are not violated if the city leases the land to another party to do the same thing.

The plaintiffs appealed, but in an unpublished per curiam opinion, the Court of Appeals affirmed the circuit court. The deed restricted the city's use of the land, not its right to convey or otherwise assign its right to use the property, the appellate panel reasoned. The proposed use of the land for a golf course did not violate the deed or consent judgment's requirement that the land be used for "public" purposes or for a "public park purpose," the Court of Appeals concluded. The plaintiffs appealed.

Access links to the various briefs filed in the case ([click here](#)). Access the Supreme Court docket in the case ([click here](#)). Access the Save the JKP website for extensive information and background ([click here](#)). Access a blog posting from Friends of Jean Klock Park ([click here](#)).

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The logo for Honigman, featuring the name "HONIGMAN" in a serif font, centered between two horizontal lines.

Environmental Law Department  
Honigman Miller Schwartz and Cohn LLP  
Attorneys and Counselors

### Dearborn Man Sentenced In UST Insurance Fraud Case

Jan 25: MDNRE announced that a Dearborn man has been sentenced to five years of reporting probation, 200 hours of community service, \$35,000 in restitution to the Macomb County Lake/River Cleanup Fund and \$3,838 in various court costs. The sentencing occurred on January 25, in the Macomb County Circuit Court before the Hon. Diane Druzinski. Basel El-Bathy was originally charged with one count of Uttering and Publishing, three counts of False Pretenses w/Intent to Defraud, three counts of Checks w/o Sufficient Funds Over \$500, three counts of Failure to Demonstrate Financial Responsibility for Underground Storage Tanks (USTs), and two counts of Failure to Register USTs. Under the terms of a plea agreement, the Uttering and Publishing charge and two of the UST violations were dismissed.

[Access a release from MDNRE \(click here\).](#)

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### **Former Governor Granholm Announces Future Plans**

Jan 24: Former Governor Jennifer Granholm posted an update on her future plans indicating she and her husband will be writing, teaching and public speaking on issues, including clean energy and leadership. Their time will be divided between Michigan, Washington, DC and California. The Granholms are co-authoring a book on experiences governing "the toughest state in the country from 2003 on, through the 2008 economic meltdown" and will be teaching courses on energy, leadership, politics and the economy at the Governor's alma mater, the University of California-Berkeley. She also indicated that the two have joined the Keppler Speakers Bureau; are evaluating offers from corporate boards and nonprofits; and she will be a regular contributor to NBC's "Meet the Press" with David Gregory.

[Access the complete posting with more details \(click here\).](#)

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### **MDNRE Says SE Michigan Fish Die-Off Is Natural Event**

Jan 25: MDNRE says a fish die-off involving the species gizzard shad occurring in southeast Michigan is a natural event due to harsh winter weather conditions and a large year-class. The Department has received reports of fish die-offs in southern Michigan beginning shortly after the New Year. The reports are coming from the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie.

Gizzard shad are native to the Great Lakes -- with the exception of Lake Superior -- but they are at the northern extent of their range. Severe winters limit the northern distribution of gizzard shad. Shad can be seen concentrated at warm water discharges of industrial plants. Gizzard shad are an important forage fish, providing a high energy food resource for predator species such as walleye, muskellunge, smallmouth bass, and northern pike. Like many forage fish species, annual abundance of gizzard shad can vary drastically between years. Shad are filter feeders, feeding on both zooplankton and phytoplankton, and can reach a size of 19 inches. However, most of the gizzard shad involved in the fish die-offs are five to six inches long.

[Access a release from MDNRE and link to more information on fish in Michigan \(click here\).](#)

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### **Integrating Nature & Business; Dow & Nature Conservancy Join Forces**

Jan 24: Andrew Liveris, chairman and chief executive officer of The Dow Chemical Company and Mark Tercek, chief executive officer of The Nature Conservancy jointly announced a new collaboration between the organizations to help Dow and other companies recognize, value and incorporate nature into global business goals, decisions and strategies. The senior leaders issued the news to some of the world's foremost business, environmental and sustainability leaders, dignitaries and media at the Detroit Economic Club.

The global organizations will work together to apply scientific knowledge and experience to examine how Dow's operations rely on and affect nature. The aim of the collaboration is to advance the incorporation of the value of nature into business, and to take action to protect the earth's natural systems and the services they provide people, for the benefit of business and society. According to an announcement, one of the major objectives of the collaboration is to share all tools, lessons learned and results publicly and through peer-review so that other companies, scientists and interested parties can test and apply them.

Liveris said, "This collaboration is designed to help us innovate new approaches to critical world challenges while demonstrating that environmental conservation is not just good for nature -- it is good for business. Companies that value and integrate biodiversity and ecosystem services into their strategic plans are best positioned for the future by operationalizing sustainability. At Dow, we see sustainability as an adjective and one that we apply to almost everything we do: sustainable manufacturing, sustainable solutions and sustainable opportunities to constantly add to the quality of life for our communities and fellow citizens. Today, tomorrow, always."

Tercek said, "This project is an example of the type of cooperation required to make real, long-term progress in protecting the earth's natural systems and the services they provide people. As the world population surges, it will take public and private sector collaboration like this to make the health of the environment not just an

afterthought, but a fundamental consideration in everything we do in every part of our society. We hope that the results of this effort will demonstrate to other organizations and companies that incorporating nature's services into decisions is a responsible, smart and viable business strategy."

Dow and its foundation are committing \$10 million to this collaboration over the next five years. The Nature Conservancy will provide strategic, science-based counsel and technical support to help answer questions about the value and benefits of natural areas on or near where Dow works -- such as the benefits of a forest to ensure clean water for towns and factories, and the role natural wetlands and reefs play in preventing damage from storms. Dow indicated that \$3M in funding from Dow will be used on the ground with Dow sites and facilities. \$7M funding from The Dow Chemical Company Foundation will be used to support basic research and collaborative work with NGOs and academia for a broader promotion of the application of the tools that value nature.

The collaboration will use scientific models, maps, and analysis for biodiversity and "ecosystem services" -- the benefits that nature provides for people, like clean air, water, and food -- and apply them to Dow's business decisions. It will inform Dow on setting new policies and approaches in the areas of land and water management, siting considerations, the benefits of natural resources on Dow lands and waterways, and more explicit management of biodiversity. Scientists from both organizations will implement and refine ecosystem services and biodiversity assessment models, initially, on at least three Dow manufacturing sites. Apparently the specific sites have not yet been decided, as the organizations said, "We will start by determining together which Dow sites are best suited for a pilot implementation in the U.S., with future consideration of global locations."

In addition to the news conference, The Detroit Economic Club hosted a live webcast featuring Liveris and Tercek. The webcast, moderated by TIME magazine's Bryan Walsh, offered viewers unique insights into how the Dow-Nature Conservancy collaboration came together, the history between the organizations, the expertise each brings to the table and what the initiative aims to accomplish in the short and long term.

Dow explained that its relationship with The Nature Conservancy goes back to experiences on several projects over the years. For example, the Dow Chemical Company Foundation has provided philanthropic support for the Conservancy's work in both Michigan and Brazil. Dow said the organizations share a science-based approach and an objective to incorporate the value of nature into business strategies and goals.

[Access a joint release from Dow and the Nature Conservancy including Collaboration FAQ, Nature's Benefits, Dow Sustainability Overview, Biodiversity Q&A, and The Nature Conservancy Working with Companies Q&A \(click here\)](#). [Access a separate release from the Nature Conservancy with additional links \(click here\)](#).

### **Governor Reappoints Two U.P. Members To NRC**

Jan 26: Governor Rick Snyder has reappointed J.R. Richardson and John Madigan to the Michigan Natural Resources Commission (NRC). In a release the Governor said, "J.R. and John continue to serve the NRC and Michigan's outdoors community well. Their professional backgrounds and immense respect for our state's natural resources heritage add a valuable perspective to the commission's decision-making." Both reappointments are Republicans. The NRC is a seven-member, politically diverse, public body whose members serve four-year terms. They are appointed by the governor and are subject to the advice and consent of the state Senate.

Richardson, of Ontonagon, was originally appointed in 2007. A lifelong Upper Peninsula resident, Richardson spent 31 years in the paper industry, most recently as an operations and technical manager for Smurfit-Stone Container Corp. He currently works for TRAXYS Corp. which creates renewable energy alternatives for producing power in the Upper Peninsula. Richardson earned a degree in chemical engineering from Michigan Technological University. He is a member of the Rotary Club, Whitetails Unlimited, Ducks Unlimited, Ontonagon Valley Sportsmen's Club and the Lake Superior Special Designation Task Force. He also is president of the Upper Peninsula Sports Fishermen's Association and chairman of the Solid Waste Planning Committee.

Madigan, of Munising, has served on the commission since 2002. He is owner of the Munising Hardware Co., which has been operated by his family for more than 80 years. Madigan graduated from Northern Michigan University and was a high school teacher before going into the hardware business. He is a past board member of the Alger County Fish and Game Alliance and is a member of other hunting and fishing organizations.

Access a release from the Governor ([click here](#)). Access more information on the NRC including the meeting schedule and minutes and more information on members ([click here](#)).

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### MDNRE Encouraged With Recreation Passport Sales

Jan 26: MDNRE indicates that sales figures from the first three months of the new Recreation Passport show increasing participation by motorists who are renewing their vehicle license plates through the Secretary of State. Participation rates steadily increased from October 2010, when the Recreation Passport was first offered, through December 2010.

The Recreation Passport Program went into effect on October 1. Resident passenger vehicle owners were offered the opportunity to purchase a \$10 Recreation Passport (\$5 for resident motorcycles) when they registered their plates with the Secretary of State. The Recreation Passport enables a resident vehicle/motorcycle to enter all Michigan state parks, recreation areas, and boating access fee sites for 12 months. The Passport also provides funding for State forest recreation programs, such as State forest campgrounds and non-motorized trails and pathways.

The participation percentages of Recreation Passports sold against eligible participants at Michigan Secretary of State offices, online and at state parks were: October: 17.2 % participation; November: 19.3%; and December: 20.6 %. Through December 31, a total of 110,311 Recreation Passports were sold to Michigan residents renewing motor vehicle license plates through the Secretary of State; 14,312 were sold to residents renewing motorcycle license plates; and 6,590 were sold at State parks and recreation areas. Non-resident visitors must still purchase the traditional non-resident motor vehicle permit at the rate of \$29 for an annual permit, or \$8 for a daily pass. On average, 28,000 non-resident annual permits are sold annually.

MDNRE said the Michigan State park and recreation system has over \$300 million of deferred infrastructure repair needed in the 98 State parks and recreation areas. The previous motor vehicle permit sales model did not generate enough revenue to address infrastructure needs. The Recreation Passport also benefits several other outdoor recreation opportunities, including: State forest campgrounds and non-motorized pathways (7 percent of net revenue); Historic and cultural features in state parks (2.75 percent of net revenue); Local parks and recreation agencies through a matching grant program (10 percent of net revenue); State parks infrastructure (50 percent of net revenue); State park maintenance (30 percent of net revenue); and Marketing the Recreation Passport (0.25 percent of net revenue).

Access a release from MDNRE ([click here](#)). Access more information on the Recreation Passports ([click here](#)).

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### RFP For Michigan Coastal Land Acquisition Projects

Jan 25: MDNRE's Office of the Great Lakes and its Michigan Coastal Management Program (MCMP) have announced the release of a Request for Proposals (RFP) for coastal land acquisition projects (fee simple interest or conservation easement) that further the objectives of Michigan's Draft Coastal and Estuarine Land Conservation Program (CELCP). It is expected that Federal funds will become available for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses, giving priority to lands that can be effectively managed and protected and that have significant ecological value.

Project proposals will be scored and ranked by the MCMP and up to 3 projects will be submitted to the National Oceanic and Atmospheric Administration (NOAA) for participation in the national competition. Any funding appropriated by Congress will be allocated subsequent to the national ranking. Applications must be hand-delivered to MCMP by 4:00 PM, March 4, 2011, or postmarked no later than March 4, 2011.

Access the complete RFP ([click here](#)). Access more information on Michigan Coastal Management ([click here](#)). Access more information from Alisa Gonzales ([click here](#)), or at 517-241-8280. Access more information on the NOAA CELCP ([click here](#)).

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### **CWA Announces Multi-Part Water Protection Program**

Jan 26: Clean Water Action (CWA) announced a multi-part water protection program intended to safeguard public health, local economies and Michigan's unique quality of life, pledging to work with the Legislature and Governor Snyder to make the plan a success. The highlights of the plan include working with the Legislature to use funds already available for water-related projects to fix and upgrade Michigan's outdated, broken sewer system -- a move that will reduce pollution that closes beaches, sickens thousands of people every year and impacts local economies, especially with summer approaching. The plan also calls for strengthening standards to reduce septic pollution.

CWA Michigan Director Cyndi Roper said, "Michigan's water resources are vital to our economy, affecting everything from tourism to agriculture to public health, and this plan is a roadmap to make sure we safeguard Michigan's most precious natural resource for years to come. The health of our Great Lakes, rivers, streams and groundwater affect all of us. As a result, all of us must come together and work toward real solutions for our future, as this water protection plan proposes."

CWA's 2011 Michigan Water Protection Agenda also includes the following proposals: Establish a statewide standard for septic systems to protect Michigan's water and the health of our families from septic pollution; Giving local governments more power to create local stormwater utilities and set up funds for stormwater management practices; Strengthening enforcement of Michigan laws and adequately funding efforts to protect Michigan's natural resources, including closing outdated, unfair tax breaks and loopholes; and Reducing exposure to toxic chemicals that pose serious health risks to people.

[Access a lengthy release from CWA with more details and link to the plan \(click here\).](#)

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### **MI Groups Applaud SOTU Electric Vehicle Goal**

Jan 26: Michigan citizens groups applauded President Barack Obama's call for Americans to make the nation the world's first to put one million electric vehicles on the road by 2015, and his plan to shift money from oil company subsidies into incentives for electric vehicle purchases and infrastructure investments. Charles Griffith of the Ecology Center said, "The President in his State of the Union address nailed it when he said it is time to stop subsidizing yesterday's energy, and to start investing in tomorrow's. In Michigan, tomorrow is here. With the Chevy Volt and the new electric Ford Focus, we can lead the nation to meeting the one-million vehicle challenge, and continue to be part of the exciting future of the domestic auto industry."

The groups indicated that the President's budget proposal, slated for release in mid-February, will include funds directed to select communities with the intent of ratcheting up infrastructure like the charging stations, which will help to support electric vehicle use and purchase. David Gard of Michigan Environmental Council said, "When the President releases that budget, we want Michigan to be the top of the list for these infrastructure investments. The electric car, and the industries it supports, is vital to Michigan's economic recovery."

[Access a release from the groups \(click here\).](#)

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### **MDNRE Receives Two Exemplary Ecosystem Initiative Awards**

Jan 27: MDNRE announced that it was among several agencies recently honored with two Exemplary Ecosystem Initiative (EEI) Awards from the Federal Highway Administration for collaborative efforts to restore two wetland habitats and to protect threatened and endangered species along Michigan highways. MDNRE received EEI Awards -- two of seven given nationwide -- for its involvement in Michigan Department of Transportation (MDOT) projects including the Southwest Region High-Quality Wetland Preservation and the Protected Areas Program.

The Southwest Region High-Quality Wetland Preservation: MDNRE, U.S. Fish and Wildlife Service and The Nature Conservancy are partnering with MDOT to preserve and improve two wetland fen habitats in southwest Michigan, the Blue Creek Fen in Berrien County and the Paw Paw Prairie Fen in Van Buren County. Both

considered high-quality wetlands, the two sites in the Paw Paw River Watershed contain numerous native and protected plant and animal species, including the rare and endangered Mitchell's satyr butterfly as well as the Eastern Massasauga rattlesnake and Eastern box turtle, both protected as species of special concern in Michigan.

The Protected Areas Program: The program, a partnership between MDOT, MDNRE, Federal Highway Administration, U.S. Fish and Wildlife Service and Michigan Natural Features Inventory; goes beyond existing State and Federal law to enhance habitat and assist in threatened/endangered species recovery while meeting the transportation needs of the State. Concentrated in high-quality natural communities such as coastlines, wetlands, prairies and oak savannahs, 125 Protected Areas Program sites encompass hundreds of miles along Michigan's highway system and serve to protect thousands of acres. Manuals known as "Redbooks" provide species and community information and management recommendations used during transportation planning, design, construction and maintenance to avoid impacts to threatened/endangered species and their habitats.

Access a release from MDNRE with more information ([click here](#)). Access the FHWA Exemplary Ecosystem Initiatives website ([click here](#)).

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### Four Former Governors Support New Detroit River Crossing

Jan 27: After some five years of debate and bitter differences between Republicans and Democrats over enabling legislation that could not garner a single Republican vote, four former Michigan governors joined Republican Governor Rick Snyder in announcing their support of a new international trade crossing to connect Detroit to Windsor, Ontario -- the so-called Detroit River International Crossing (DRIC). Governor Snyder called it "an extraordinary demonstration of bipartisan agreement."

Governor Snyder revealed for the first time his support for plans to build a second bridge over the Detroit River in his State of the State address. Snyder announced he had secured an agreement with the federal government to allow Michigan to count \$550 million Canada has offered to invest in the project toward Michigan's Federal match for road funds. This development will ease the burden on the budget and ensure the state will have funds for statewide road repairs and infrastructure improvements in future years.

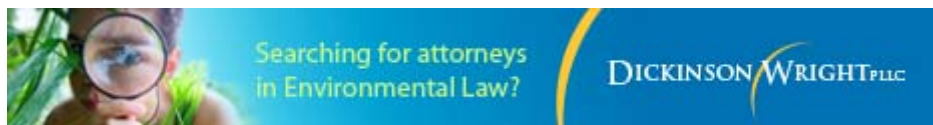
Governor William G. Milliken said, "This new bridge means not only immediate jobs and long-term economic growth for southeast Michigan, but for the entire state. Michigan's long-time partnership with Canada is one of our state's most important economic assets, and this crossing builds and strengthens it." Governor James J. Blanchard said, "This project secures our economic future and, in the short-term, will employ thousands of people who need work and can stimulate our economy. It's manufacturing, it's agriculture, it's food processing, it's high-tech, it's tourism, it's rebuilding the neighborhoods and the community of southwest Detroit, it's Michigan's future, and it's now!"

Governor John Engler said, "We need a new international trade crossing. It will open trade and open markets, which is exactly what Michigan needs right now. We have to access these global markets." Governor Jennifer Granholm who had previously expressed extreme disappointment in the lack of legislative support for the DRIC during her term of office said, "Michigan job providers say they need the crossing, Michigan workers want the jobs it will create, and building the bridge will solidify good relations with our neighbors in Canada. Universal support for the bridge should make final approval of this project a no-brainer for state lawmakers."

According to a release from Governor Snyder, half of all daily trade between the United States and Canada travels through the Michigan-Ontario border and nearly 60 percent of all Michigan exports go to or through Canada. In 2009, Michigan did roughly \$44 billion dollars in trade with Canada. More than 237,000 Michigan jobs are directly connected to trade with Canada. One out of every eight jobs in Detroit is in the export industry and in Grand Rapids it is one out of every seven. The construction portion of the project will create an estimated 10,000 jobs for Michigan workers and support an additional 25,000 Michigan jobs once construction is complete.

Access a release from the Governor ([click here](#)). Access the MDOT DRIC website for extensive information ([click here](#)).

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### U-M Issues Revisions To Original Dioxin Exposure Study

Jan 27: The University of Michigan has released an updated version of its 2006 report, "Dioxin Exposure Study" in the Midland/Saginaw area. U-M notes that the study looked only at the *extent* of human exposure to dioxins, not the *health effects* of that exposure. The study was conducted by U-M researchers from the School of Public Health, College of Engineering, Center for Statistical Consultation & Research, and Institute for Social Research. The Study was financed by a \$15+ million grant from The Dow Chemical Company; however, the study was developed and conducted entirely by U-M researchers and research decisions were reviewed by an independent scientific advisory board.

According to a summary, the major updated study findings include: (1) Older people have higher levels of dioxins in their blood. (2) Women tend to have higher levels than men. (3) People who lived in the Midland/Saginaw area in the 1960s and 1970s have higher levels of the dioxin chemical TCDD in their blood than people who lived in the same area after 1980. The TCDD is likely from airborne emissions from the Dow Chemical plant in Midland during that era. (4) People whose houses are on contaminated soil or who have contaminated dust in their homes do not have higher levels of dioxins in their blood. (5) People eating fish from the Tittabawassee River, Saginaw River, and Saginaw Bay do not have higher levels of dioxins in their blood. [But the update indicates persons "should still follow government advisories about eating fish from contaminated areas."]

Finding number 5 above is a significant revision of the finding in the earlier U-M report, which said "people who eat fish from the Tittabawassee River, Saginaw River, and Saginaw Bay have higher levels of dioxins in their blood. . ." Likewise, finding number 4 above is also a significant revision from the earlier report which said, "People who have higher levels of dioxins in their soil have a higher TEQ (total dioxin-like activity) and higher levels of some specific dioxins in their blood."

The updated study indicates, "People who lived in Midland/Saginaw for the entire 20 years from 1960 through 1979 on average have 86 percent higher blood TCDD levels than people who did not live in the area during that period. The U-M researchers believe that these higher levels are consistent with past airborne emissions from Dow facilities. Dow's pre-1980 emissions of TCDD and other dioxins likely contributed to contamination of parts of the Midland/Saginaw area. . . People who lived in Midland/Saginaw after 1980 do not have higher TCDD dioxin levels than people in Jackson/Calhoun."

Access links to the updated study and a brief summary report ([click here](#)). Access the U-M dioxin study website for complete background information ([click here](#)). Access the WIMS-EcoBizPort Special Report on Midland Area Dioxin Issues for further background information and links to additional resources ([click here](#)).

### States Announce Formation Of Interstate Chemicals Clearinghouse

Jan 26: Environmental officials from 10 state and local governments announced that they have formed an umbrella organization -- the Interstate Chemicals Clearinghouse (IC2) -- to promote a clean environment, healthy communities, and a vital economy through the development and use of safer chemicals and products. The IC2 was launched under the auspices of the Northeast Waste Management Officials' Association (NEWMOA). The current IC2 Members have signed a Memorandum of Agreement (MOA) supporting the principles of the IC2 and formed a Board of Directors to oversee the Clearinghouse's activities. They are inviting additional governmental entities, businesses, non-governmental organizations, academic researchers, consultants, and others to join them in the partnership.

The goals of the IC2 are to: Avoid duplication and enhance efficiency and effectiveness of state, local, and tribal initiatives on chemicals through collaboration and coordination; Build agency capacity to identify and promote safer chemicals and products; and Ensure that state, local, and tribal agencies, businesses, and the public have ready access to high quality and authoritative chemicals data, information, and assessment methods.

The new Clearinghouse: Supports state, local, and tribal health and environmental agencies with development and implementation of programs to promote use of safer chemicals and products; Supports the development of alternative assessment methods and identification of safer alternatives; Shares data and information on chemical use, hazard, exposure, and alternatives; Shares strategies and outcomes on chemicals prioritization initiatives; Builds the capacity of agencies by sharing materials, strategies, and trainings; and Assists agencies in meeting the relevant information needs of businesses, consumers, and the public. Members of IC2 as of January 26, 2011: California Environmental Protection Agency; Connecticut Department of Environmental Protection; Massachusetts Department of Environmental Protection; Michigan Department of Environmental Quality; Minnesota Pollution Control Agency; New Jersey Department of Environmental Protection; New York Department of Environmental Conservation; Oregon Department of Environmental Quality & Oregon Health Authority; METRO Regional Government (Portland, OR); and, Washington Department of Ecology.

Access a press release ([click here](#)). Access the IC2 website for complete background information ([click here](#)).

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### **RFP For Aquatic Invasive Species Rapid Response Plan**

Jan 31: The International Joint Commission (IJC) announced the release of a Request for Proposals (RFP) for the completion of a Binational Aquatic Invasive Species Rapid Response Planning Project for the Great Lakes St. Lawrence Basin. The successful contractor will conduct a jurisdictional analysis for the Great Lakes-St. Lawrence Basin and prepare a pilot Binational Aquatic Invasive Species (AIS) Rapid Response plan for the boundary waters connecting Lake Huron and Lake Erie. Funding for the initiative was made available through the Great Lakes Restoration Initiative (GLRI). Proposals will be reviewed and evaluated by an expert review committee including representatives from the IJC's Binational AIS Rapid Response Workgroup. All proposals are to be submitted by March 1, 2011 at 5:00 PM Eastern Daylight Savings Time (EDST).

Access a posted announcement from IJC ([click here](#)). Access additional information and the RFP documents from the IJC ([click here](#)).

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### **MIOSHA & Contractors Alliance To Protect Construction Workers**

Jan 28: Michigan Occupational Safety and Health Administration (MIOSHA) Director Doug Kalinowski announced the signing of a strategic alliance with the Associated General Contractors (AGC) of Michigan to protect the safety and health of Michigan's construction workers. According to a release, the construction industry is one of the most hazardous industries in Michigan. Only about four percent of Michigan's workforce is employed in construction - however, construction fatalities account for more than 40 percent of all fatal workplace accidents.

Kalinowski said, "By combining our resources, the AGC of Michigan and MIOSHA can have a significant impact on safety and health prevention efforts at construction job sites. This strategic alliance will give AGC of Michigan contractors the necessary tools to protect their workers and commit to safe and healthy work practices." Gary Benjamin, Chairman, AGC of Michigan, and President, Gundlach Champion, Inc., and Doug Kalinowski, Director, MIOSHA program, signed the alliance at the AGC of Michigan's annual meeting in Bay City. Since 1998, both organizations have worked jointly to expand the efforts of improving safety in the construction industry.

The key goals of the alliance include: Promoting enhanced awareness of worker safety and health to AGC of Michigan members; Promoting worker safety through education and training opportunities at the jobsite; Promoting increased implementation of accident prevention programs at members' job sites; and, Promoting both regular and unscheduled MIOSHA Consultation Education and Training (CET) Division safety and health hazard surveys.

While participation by individual employers is voluntary, MIOSHA anticipates that contractors who embrace the goals of the partnership and who strive to provide a safe and healthy workplace will experience a decrease in workplace accidents and illnesses and a decrease in workers' compensation costs.

Access a release from MIOSHA and link to further details ([click here](#)).

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### **Birmingham Chiropractic Clinic Gets P2 Loan**

Jan 31: MDNRE announced that a pollution prevention project proposed by Birmingham Chiropractic Clinic, P.C. has received a \$64,491.38 low interest loan through the MDNRE's Small Business Pollution Prevention Loan Program. Birmingham Chiropractic Clinic, P.C. will use the funds to install a digital x-ray machine and associated equipment at their healthcare facility. The project will eliminate the need for radiographic film, lead-lined film containers, and the chemicals used to develop the film. The new equipment will also reduce water and energy usage compared to conventional x-ray equipment.

MDNRE and the company's local lending institution, Citizens Bank, each contributed half of the loan proceeds. Businesses with fewer than 500 employees can apply for loans of up to \$400,000 with a guaranteed interest rate of not more than five percent. The short application helps businesses describe how their projects will eliminate or reduce waste through source reduction, environmentally sound reuse, and/or recycling; including water and energy conservation projects.

[Access a release from MDNRE \(click here\).](#)

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### **Comments Wanted On Managing Muskellunge & Northern Pike**

Jan 31: MNDRE has released draft plans for managing muskellunge and northern pike statewide. The Department is accepting public comment on the draft plans through March 3, 2011. The purpose of these plans is to provide a strategy for managing populations of muskellunge and northern pike throughout Michigan. The plans build on a foundation of previous public review and incorporate the latest in research and management experience. The second drafts of the plans were developed with input from MDNRE staff and angling interests, including three workshops, review by citizen committees and previous public comment through MDNRE's website.

MDNRE said the desire by anglers to harvest medium and large northern pike often conflicts with improving the opportunities to catch large northern pike. Similarly, the desire by anglers to expand the number of waters managed for muskellunge conflicts with those who may oppose expansion. These plans include detailed information on the biology and management of these species, as well as specific goals, objectives, strategies and actions for managing muskellunge populations and their habitat, improving opportunities for large northern pike on select waters, and improving northern pike fishing statewide, while also maintaining opportunities for harvest and spearing of northern pike.

[Access a release from MDNRE with further information on commenting \(click here\).](#) [Access the draft plans on the MDNRE website \(click here\).](#)

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### **Michigan's Financial Health Check Up Reveals Sick Patient**

Jan 31: Governor Rick Snyder unveiled what he called the "Citizen's Guide to Michigan's Financial Health" at the Business Leaders for Michigan's Leadership Summit in Lansing. According to a release from the Governor, the Citizen's Guide is an easy to understand, comprehensive look at the current State of finances in Michigan. The Governor said, "We are committed to bringing transparency to state and local finances and the Citizen's Guide provides taxpayers with a complete picture. We put the facts in plain terms and made them easy to understand. A person shouldn't have to be a CPA or an economist to understand how taxpayer dollars flow in and out of government."

The Governor also unveiled tools to be used by local governments so they can produce similar guides allowing for greater transparency and increased understanding of spending at local levels. The tools for locals can be modified to account for each municipality's funding sources so the public has a comprehensive view of local finances. The Citizen's Guide and the Local Transparency Tool is available on the Governor's website.

The Citizen's Guide includes sections on How Governments Use Your Money; Michigan's Economic and Demographic Trends; How Taxpayer Money is Spent; and Michigan's Fiscal Health. It includes: How taxes and fees are collected and used across the State; The long-term consequences of today's budget decisions- borrowing, debt levels, budget reserves; and Bills that are mounting for the future, such as public employee pensions and federal loans.

According to the Guide, for every \$7 earned in Michigan, \$1 is sent to state and local government in the form of taxes, fees, and charges for services. State and local governments collect money in the form of taxes and fees and use it to coordinate delivery of public services such as roads, bridges, local public health, mental health services, Medicaid, child foster care, disability insurance, cash assistance, food stamps, corrections and law enforcement, elementary and high school education, community colleges and universities, planning, zoning and economic development.

Michigan has lost more jobs than any other state. Michigan private sector job losses were equivalent to two-thirds of all jobs lost in the U.S. during the past decade. Michigan workers earn less than in almost every other state. Michigan ranks 37th in per capita income among all 50 states while 10 years ago, Michigan was 18th. Michigan's population is aging which means fewer younger workers are available to support the state's economic activities and finance the high cost of government.

Many governments in Michigan regularly spent more money than they took in and have done so since 2001. State and local governments (including public schools) received \$82.5 billion in revenue and spent \$84.8 billion in fiscal year 2010 resulting in a shortfall of \$2.3 billion. Michigan has been unable to invest in its future. State government expenditures on infrastructure and higher education have declined over the past decade. The demand for safety net services has increased dramatically. Spending in these human services and community health categories increased at twice the rate of inflation.

State and local government employee compensation in Michigan has grown while private sector compensation has fallen. Between 2000 and 2009, compensation of the average private sector worker fell 13 percent while it increased 19 percent for State government employees and 13 percent for local government employees. Public school teacher compensation has fallen by 4 percent in real terms since 2000. The average annual compensation of State employees (including salary, wages and benefits) was over twice the average annual compensation of private sector workers in 2009. The average State worker gets \$53,453 in salary, \$31,623 in fringe benefits each year and it costs the state \$13,000 per employee for group insurance (medical, dental, vision, life, and long-term disability).

The State has depleted its savings and now must engage in complex accounting practices to meet its obligations. At the current level of \$2.2 million, the balance in the state's "Rainy Day Fund" is not enough to cover the cost of State government operations for 30 minutes. Each year, the schools stay open only because money that had originally been designated for other purposes is temporarily re-routed into the School Aid Fund.

Public agencies in Michigan borrow extensively and have accumulated unfunded pension and retiree health care liabilities. The State has borrowed money at a faster rate than personal incomes have grown over the past 20 years. The level of State debt per person has increased from \$724 per person in 1979 to over \$2,430 per Michigan resident in 2009. Local and school debt makes that number even higher. Retiree health care benefits are also inadequately funded. The State's two largest systems have unfunded obligations of more than \$40 billion. Add the unfunded obligations to the current shortfalls, and Michigan's total cumulative budget gap at the end of FY 2009 was \$43.3 billion.

Years of high unemployment have rendered the State unemployment compensation fund insolvent and created a greater demand for government services. In 2009 and 2010, Michigan borrowed a combined \$3.5 billion from the Federal government in order to continue making payments on unemployment insurance claims. By the end of 2010, Michigan's unemployment trust fund was in the red by \$3 billion.

Access a release from the Governor ([click here](#)). Access the 25-page Guide ([click here](#)). Access the 22-page Supplemental Data Appendix to the Guide ([click here](#)). Access links to the Chart Builder tool and Citizen Guide template for local governments ([click here](#)).



### Midland Area Dioxin Cleanup Comment Extended To March 13

Feb 1: U.S. EPA announced that on request from the community, it has extended the public comment period to March 13, 2011, for the proposed interim plan for high-use floodplain soil. EPA, working with MDNRE, is proposing an interim action plan to limit human exposure to dioxin and furan contamination in areas along the Tittabawassee River floodplain. EPA has recommended placing a physical barrier such as ground cover over soils to limit contact, or raising land use features such as gardens and recreation areas out of the floodplain. The plan proposes short-term measures, until long-term solutions are implemented for floodplain soil.

The proposed cleanup plan is explained in a fact sheet and more details about the plan can be found in a document entitled, *Task 1.4 Engineering Evaluation/Cost Analysis for Early Response Action to Address Potential Acute or Near Term Exposure Risks*. Comments on the proposed plan may be submitted in writing by March 13, 2011, or online.

Access the EPA website on the cleanup for the Tittabawassee River, Saginaw River & Bay site for complete details and commenting instructions ([click here](#)). Access a fact sheet on the interim cleanup plan ([click here](#)). Access the complete 27-page Task 1.4 document ([click here](#)). Access the online commenting website ([click here](#)).

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### Ann Arbor GLMRIS Public Scoping Meeting Rescheduled

Feb 1: Due to weather conditions, the public scoping meeting on the Great Lakes and Mississippi River Interbasin Study (GLMRIS) scheduled for Thursday, February 3, 2011 by the U.S. Army Corps of Engineers, Corps, has been rescheduled for Tuesday, March 8 for the same time and at the same location: from 2:00 to 8:00 PM at the Ann Arbor Marriott Ypsilanti at Eagle Crest, located at 1275 S. Huron St.

The public is invited to attend to provide comments on GLMRIS. Identical presentations about the study will be given at 2:15 PM and 5:45 PM, each followed by a comment period. The purpose of GLMRIS is to evaluate a range of options and technologies to prevent the transfer of aquatic nuisance species (ANS) between the Great Lakes and Mississippi River through aquatic pathways.

The public scoping comment period will end on March 31, 2011. Persons wishing to make an oral comment should register on the GLMRIS website. Oral comments will be limited to three minutes per commenter. Comments can also be submitted electronically through the website.

Access an announcement from the Corps on the Ann Arbor meeting ([click here](#)). Access more information regarding GLMRIS, the meeting agenda and scoping requirements of the National Environmental Policy Act ([click here](#)).

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### MPSC Will Host Major Smart Grid Symposium May 18-20

Feb 1: The Michigan Public Service Commission (MPSC) announced that along with the Institute of Public Utilities at Michigan State University, it will host a major smart grid symposium in Dearborn on May 18 through May 20. MPSC Chairman Orjiakor Isiogu, who co-chairs the Smart Response Collaborative effort between the Federal Energy Regulatory Commission (FERC), the National Association of Regulatory Utility Commissioners (NARUC) and NARUC's White House Smart Grid Working Group said, "The development of the smart grid across the country will revolutionize the ways customers and utilities work together to manage electric demand and become more efficient. This symposium is of national importance and promises to cover all of the emerging issues related to implementation of the smart grid."

The three-day symposium will focus on national policy developments on smart grid, exploring the potential of smart meters, personal privacy, cyber security and more. It is geared toward regulatory commissioners and commission staff, federal and state policy makers, consumer and environmental advocates, energy companies and suppliers, consultants and analysts, and others interested in smart grid issues. The event will take place at the Dearborn Inn, located in Dearborn. The symposium is made possible by a grant by NARUC.

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Access an announcement from MPSC ([click here](#)). Access the online registration website ([click here](#)).

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### Judge Rules In Favor Of Wolverine Power Rogers City Proposal

Feb 3: According to an announcement from Michigan Senator John Moolenaar (R-Midland), a Missaukee County judge has ruled that the State exceeded its authority when it denied Wolverine Power a permit to build a power plant in Rogers City. A further report from Alpena Now indicates that the Judge remanded the denial of an air quality permit back to MDNRE for further consideration and demands that MDNRE make a determination by March 29. On August 11, 2010, Wolverine Power Supply Cooperative appealed the MDNRE rejection of the company's application for an air permit for its proposed coal-fired power plant in Rogers City. The appeal was filed in the 28th Circuit Court of Missaukee County.

On May 21, 2010, MDNRE denied Wolverine's air permit, stating that there was no need for the power the plant would produce and that there were alternative ways to meet the power needs in the future. Wolverine Power Supply Cooperative's had applied for an air quality Permit to Install application for a new 600 megawatt power plant, fueled primarily by petroleum coke and coal, in Rogers City.

Senator John Moolenaar (R-Midland) said, "This is tremendous news for northern Michigan. We look forward to working with the Snyder administration to reach a positive outcome. This development would mean more jobs for our region and it would help our state meet the growing energy needs of the 21st century. I applaud the judge's decision and am eager to move forward on this vital project."

Access a release from Senator Moolenaar ([click here](#)). Access the report from Alpena Now ([click here](#)). Access extensive information from Wolverine on the "Clean Energy Venture" project ([click here](#)). Access links to further information from MDNRE ([click here](#), scroll down to Wolverine Power). Access the Wolverine-Rogers City MPSC docket including background documents and comments ([click here](#)).

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### MDNRE Forest Managers Report On State Forest Health

Feb 3: MDNRE has released the *2010 Michigan Forest Health Highlights*, an informative overview of Michigan's forests and the various insects and diseases that have threatened them over the past year. With 19.3 million acres of forestland, Michigan's forests play a key role in the State's recreation, timber and other industries. These industries employ 136,000 people and contribute \$14 billion annually to the state's economy, so ensuring the health of Michigan's forests is essential. MDNRE Forest Management Division Chief Lynne Boyd said, "Every year, insects and diseases pose a significant threat to our state's woodlands, and in turn, forest-based recreation and timber industries. Forest Management Division staff is dedicated to identifying pests and eliminating them from our forests."

During 2010, Michigan forests saw invasion by exotic organisms that hitchhiked their way into forests on nursery stock, logs, wooden pallets and firewood. Beech bark disease, emerald ash borer infestation and oak wilt have killed millions of trees around the State and outbreaks can be traced directly to firewood movement. The report includes color photos that identify pests and diseased tree symptoms.

Access a release from MDNRE and link to the Michigan Forest Health website ([click here](#)).

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### Senator Walker Introduces Asian Carp Resolution

Feb 1: State Senator Howard Walker (R-Traverse City) expressed support for the call to get the Federal government to prevent Asian carp from invading the Great Lakes. Walker said such an invasion could devastate several economies. He said, "Michigan and the states around us face potentially dire consequences if Asian carp ever gain a foothold in the Great Lakes. It is critical that the federal government take the necessary steps to prevent this from happening."

Senator Walker introduced Senate Resolution 7 which supports Michigan Attorney General Bill Schuette's call for the Federal government to prevent Asian carp from invading the lakes. The resolution states that the only long-term answer to preventing Asian carp and future invaders from entering the region is preventing them from ever reaching the lakes, and that the only reliable solution is the permanent separation of the Great Lakes and Mississippi River basins. He said, "The feds say they want four years to study the problem. That is unacceptable. Every moment lost in addressing this threat increases the chances the carp will establish themselves. Once that happens, it would mean decades of expensive programs to manage the problem. Preventive measures now are essential." SR 7 has been referred to the Senate Committee on Natural Resources, Environment and Great Lakes for further consideration.

[Access a release from Sen. Walker \(click here\)](#). [Access legislative details for SR 7 \(click here\)](#).



### Enviros Urge MNDRE To Re-Deny Wolverine Rogers City Permit

Feb 3: Following a Missaukee County judge's ruling that the State exceeded its authority when it denied Wolverine Power Supply Cooperative an air permit to build a coal-fired power plant in Rogers City, citizen and environmental groups are calling on MDNRE to block approval of the project when it reconsiders the permit on the remand order from the court. The groups said "blocking the coal plant will protect Michigan's environment, public health and ratepayers throughout the northern Lower Peninsula who may be saddled with massive, unneeded electric rate hikes."

Anne Woiwode, Director of the Michigan Chapter of the Sierra Club said, "Wolverine Power's permit application ought to be denied for a long laundry list of reasons. The MDNRE should not act like a rubber stamp for Big Coal. The best way for the MDNRE to prove that it puts people ahead of Big Coal profits is to stand by its original decision, deny Wolverine's permit based on the overwhelming documentation and stop coal plants from proliferating in Michigan."

The groups said that, "If Wolverine built the unneeded coal plant in Rogers City, ratepayers' bills would go up an estimated \$76 a month to pay for the coal plant that wouldn't be needed. In fact, Wolverine has already spent \$22 million of co-op owner members' money on the proposed coal plant which could be put on the backs of ratepayers."

Shannon Fisk, senior attorney at the Midwest Office of the Natural Resources Defense Council (NRDC), said, "We urge the MDNRE to stand up for families in northeast Michigan, who want clean energy jobs and healthy air, not more coal plant pollution. The Missaukee County court's ruling allows DNRE to reject unnecessary coal plant pollution due to specific air quality concerns, and we urge the agency to do so here."

In August 2009, MDNRE indicated that, "Based on the analyses conducted to date, staff concludes that the proposed project would comply with all applicable federal air quality requirements and with all AQD regulations. Staff also concludes that this project, as proposed, would not violate the federal NAAQS for PM2.5 or PM2.5 increments as proposed by USEPA. Based on these conclusions, staff has developed draft permit terms and conditions which would ensure that the proposed facility design and operation are enforceable and that sufficient monitoring, recordkeeping, and reporting would be performed by the applicant to determine compliance with these terms and conditions. If the permit application is deemed approvable, the delegated decision maker may determine a need for additional or revised conditions to address issues raised during the public participation process."

However, the MDNRE May 21, 2010 permit denial letter to Wolverine Power indicated, "The MDNRE's analysis of alternatives under Section 165(a)(2) of the CAA and Rule 1817(2) includes consideration of need for the proposed facility. [MDNRE cited: *In re Prairie State Generating Co.*, slip op. at 37-44 (August 24, 2006)]. MDNRE also cited the September 2009 MPSC final report stating, "Wolverine failed to demonstrate the need for the proposed facility as the sole source to meet their projected capacity. . ."

MDNRE also indicated that the MPSC estimated that building the proposed coal plant "would increase the rates of its customers by approximately 60 percent to over 20 cents per kilowatt hour. This would make the electric rate the highest in the nation after Hawaii. While this is not a factor in the consideration of the permit decision, it is a factor that should be considered in good public policy."

Access a release from groups ([click here](#)). Access the August 18, 2009 MDNRE fact sheet ([click here](#)). Access the MDNRE denial letter of May 21, 2010 ([click here](#)). Access extensive information from Wolverine on the "Clean Energy Venture" project ([click here](#)). Access links to further information from MDNRE ([click here](#), scroll down to Wolverine Power). Access the Wolverine-Rogers City MPSC docket including background documents and comments ([click here](#)).

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### Groups Want EPA To Review & Report On UM Dioxin Study

Feb 3: Environmentalists and river residents have requested that the U.S. EPA and national public health officials review the latest release by Dr David Garabrant of the University of Michigan Dioxin Exposure Study (UMDES) to determine whether it is an accurate and appropriate public health message to the community. In a letter to EPA Administrator Lisa Jackson the groups urged EPA to "address the limitations of the UMDES study, its interpretation, and its limited utility in setting appropriate public health guidance." Groups signing the letter included Lone Tree Council, Ecology Center, Tittabawassee River Watch, Michigan LCV, Sierra, Club Mackinac Chapter, Michigan Environmental Council, and Science and Environmental Health Network.

In their letter the groups point out, "This past week, Dr. David Garabrant and his team from the University of Michigan, under contract to Dow Chemical released additional conclusions from the University of Michigan Dioxin Exposure Study (UMDES). They have mailed a summary of this to area residents. State and national agencies did not review or see these materials prior to distribution. Moreover, the data analyses on which the new conclusions are based have not been published or made available on the UMDES website. This release comes in the middle of the public comment period for EPA's negotiated Interim Response Actions to limit human exposure to dioxin and furan contamination in areas along the Tittabawassee River floodplain.

"We believe the mailing by the University of Michigan was inappropriate and premature, inasmuch as it is clearly intended to influence public opinion before the new study has been published in a peer-reviewed journal and made available for public scrutiny. It also sends conflicting signals to the population, and interferes with and frustrates public health efforts to educate the public about legitimate health threats."

The groups requested EPA to specifically: "Inform residents that the mailing from UMDES was premature, inasmuch as its conclusions are based on data analyses that have not been published or made publicly available; Expedite a review by ORD of the new findings in the UMDES; Develop an EPA fact sheet regarding this review and identify any limitations of the UMDES and its interpretation; Mail this fact sheet to residents; and Consider another visit to the region to address the public."

Tittabawassee River Watch member and river resident Carol Chisholm said, "It is so obvious that Dr. Garabrant is doing Dow's bidding. The original study has been controversial from its beginning, criticized by both Michigan regulators and the EPA and now just as EPA is trying to educate people and make their property safer, Dr Garabrant releases the Dow funded study that says dioxin is not a problem?"

Access a release from the groups ([click here](#)). Access the group letter to EPA ([click here](#)). Access the U-M dioxin study website for complete background information ([click here](#)).

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## National Highlights

Note: Get complete daily reporting on National and Michigan events in WIMS Daily. Click for a 30-day free trial or to subscribe ([click here](#)).



## Michigan Legislation

Note: Complete daily Michigan Legislative reporting is available with WIMS Daily. For a 30-day free trial or to subscribe ([click here](#)).

The following link provides a summary of environmental bills we are tracking during the 2010-2011 session. Access the listing and movement of new legislation and link to complete legislative details ([click here](#)).



## Federal Register

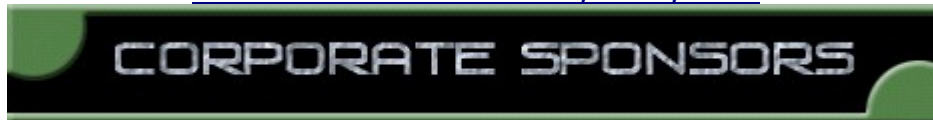
Note: Complete daily Federal Register tracking, delivered before 8 AM, is available for Michigan Waste Report subscribers for just \$139 per year. See information on REGTrak ([click here](#)).



## Meetings

- \*\*\* MDEQ has various workshops and training scheduled in the upcoming weeks and months. Access the Latest MDEQ Workshops ([click here](#)). Check out dates and details for these upcoming events... Also access the latest MDEQ Calendar publication, Part II: Environmental Conferences, Workshops, and Training Programs ([click here](#)).
- 3/8 Great Lakes and Mississippi River Interbasin Study (GLMRIS). U.S. Army Corps of Engineers. Two presentations: 2:00 to 8:00 PM; identical presentations at: 2:15 PM and 5:45 PM, each followed by a comment period. Ann Arbor Marriott Ypsilanti at Eagle Crest, 1275 S. Huron St. Details: ([click here](#)).
- 3/9-10 State of the Science Workshop on the Ecological Effects of Wind. Great Lakes Wind Collaborative. IUPUI Campus Center, Indianapolis, IN. Details: ([click here](#)).
- 4/13 MDEQ Air Permit-to-Install Application Workshop. Details: ([click here](#)).
- 5/10-12 29th Annual Michigan Recycling Coalition Conference & Trade Show. MSU East Lansing. Details: ([click here](#)).

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