

## Environmental E-news

February 16, 2010

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### New Department of Natural Resources and Environment

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On October 8, 2009, Governor Granholm issued Executive Order 2009-45, creating the Department of Natural Resources and Environment ("DNRE") effective January 17, 2010. The DNRE is a consolidation of the Department of Natural Resources and the Department of Environmental Quality which were abolished by the Executive Order. The new Department was created. The mission of DNRE is to conserve, manage, protect, and promote Michigan's environment, natural resources, and related economic interests for current and future generations. The Department is charged with:

1. Implementing an ecosystem-based strategy for resource management aimed at protecting and enhancing the sustainability, diversity, and productivity of the State's natural resources;
2. Providing for continuous improvement of Michigan's air, water, and soil by facilitating and encouraging economic growth;
3. Facilitating the use and protection of Michigan's natural resources in a sustainable manner;
4. Preserving Michigan's rich outdoor heritage;
5. Providing quality and accessible public outdoor recreation;
6. Restoring the Great Lakes and other degraded natural systems to ensure resiliency and sustainability; and
7. Promoting stewardship of Michigan's natural resources through education, awareness, and action.

The new Director of the DNRE is Rebecca Humphries. Steve Chester, the former Director of DEQ, has retired.

For most people dealing with the DEQ, we believe there will be no noticeable change. Former Deputy Director of DEQ, Jim Sygo, will be the Deputy Director of the Environment for the new DNRE, although some services, such as water, is under a different deputy. DNRE anticipates that the new centralized DNRE will cause the elimination of redundant positions, more aggressive marketing of Michigan's natural resources and environment, and more efficient program delivery. We will keep you posted as the Department takes shape.

## **EPA Discusses Priorities for Enforcement**

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Cynthia Giles, the new Assistant Administrator for Enforcement and Compliance Assurance of the United States Environmental Protection Agency ("US EPA"), recently spoke about US EPA's enforcement priorities. Ms. Giles indicated that US EPA will likely place more emphasis on enforcement of the Clean Water Act, hazardous air emissions from power plants, and surface impoundments used to treat and restore liquids and solid wastes. Additionally, enforcement of large animal feed operations and useful stormwater infrastructure under the Clean Water Act will also be a priority. On November 20, 2008, US EPA issued a final rule regarding animal feed operations that discharge into the waterways to apply for a permit and develop nutrient management plans for animal waste.

Other priorities that US EPA is considering for 2011-2013 are air toxics, concentrated animal feed operations, community-based approaches to environmental justice, drinking water in Indian country, marine debris, mineral processing, municipal stormwater infrastructure, new source review and prevention of sickness and deterioration, Resource Conservation Recovery Act ("RCRA") enforcement, RCRA financial assurance, resource extraction, pesticides at day care facilities, surface impoundments, wetland, and worker protection standards.

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## **New General Permit for Stormwater Discharges Associated with Construction Activities**

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On January 28, 2010, US EPA issued a notice in the Federal Register that it is modifying the 2008 National Pollutant Discharge Elimination System General Permits for stormwater discharges associated with construction activity to extend the expiration date of the permit by one year. The 2008 construction general permit was originally issued for a two-year period. EPA is now modifying the permit by one year so that they expire June 30, 2011, instead of June 30, 2010. Note that the General Permit is effective only in those areas where US EPA is the permitting authority. Michigan is not one of those states. Thus, for construction sites in Michigan, this notice will have no effect. However, it may provide some relief for companies that do have construction projects outside of Michigan.

If you would like more information about the foregoing or any other environmental law needs, please feel free to contact one of the following Butzel Long lawyers:

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