

### STATE ENVIRONMENTAL AGENCIES MERGE

March 1, 2010

By Mary Jane Rhoades

Effective January 17, 2010, Michigan's two environmental agencies merged to form the Michigan Department of Natural Resources and Environment (MDNRE). From 1995 until the merger, the Michigan Department of Natural Resources (DNR) and the Michigan Department of Environmental Quality (DEQ) had operated separately, with the DNR responsible for conservation management, and the DEQ responsible for environmental cleanups and regulatory functions. The recent merger is not anticipated to be a return to the pre-1995 era where both agencies operated out of the DNR. Instead, the merger creates an entirely new organizational structure touted as a national model for effective, collaborative natural resource management and environmental protection.

The new organizational structure proposes to consolidate all existing programs administered by the former agencies into one of three categories or units: Resource Management, Stewardship and Environmental Protection. A deputy director located in Lansing will be appointed to administer each of these units. The Resource Management unit will likely include programs related to wildlife, habitat, and aquatic management, wetlands, sand dunes, water withdrawal and wastewater discharges. The Stewardship unit is anticipated to include parks and recreation, forestry, public marinas and water access issues. The Environmental Protection unit will cover many of the programs administered by the Remediation and Redevelopment Division of the MDEQ, such as brownfield redevelopment, hazardous and solid waste, underground storage tanks, cleanups, drinking water resources and civil enforcement.

Under the new MDNRE, the field offices of the DNR and DEQ will be radically altered, structured according to the varying ecosystems located throughout the state. The ecosystems are physically defined by the Great Lakes Watershed, giving rise to the following four management regions within the MDNRE: Lake Michigan Region, Lake Erie Region, Lake Huron Region and the Upper Peninsula Region. The Lake Michigan Region is slated to cover the largest area of the lower peninsula, including 33 counties from Charlevoix County at the northern end, to Branch at the south, and all along the west coast. The Lake Erie Region will include nine counties located in southeast Michigan, and the Lake Huron Region generally includes counties located in the center and eastern portion of the state north of Oakland County.

A regional director will be appointed for each of these regions and will report to the MDNRE director. Each regional director will have responsibility for overseeing all administrative units within the region. For example, the regional director for the Lake Michigan Region will manage all programs within the Resource Management, Stewardship, and Environmental Protection units within the watershed. Citizen advisory councils are also recommended to serve as formal means of providing citizen input into the operations within each region.

A significant amount of work is underway to restructure programs and functions of the two agencies. As part of this work, some programs will likely be eliminated as duplicative or unnecessary. Some may be transferred to other governmental agencies or the private sector. It is also expected that certain statutes will be revised or eliminated altogether. Those under consideration for elimination at this time include the Water Pollution Control Facilities Tax Exemption, Air Pollution Control Facilities Tax Exemption and the state statute regulating the disposal of certain PCB compounds.

The Rhoades McKee environmental law practice group will monitor the MDNRE transition process, including the impact the new organizational structure will have on environmental legal and regulatory matters, including permit applications, reporting, remedial activities, and agency communications, as well as the revisions or elimination of statutes and rules.

If you have questions about the information provided, please contact Mary Jane Rhoades at [mjrhoades@rhoadesmckee.com](mailto:mjrhoades@rhoadesmckee.com) or 616.233.5196.