

## **“MDEQ REORGANIZES (AGAIN)”**

By: Joseph Quandt\*

The Michigan Department of Environmental Quality has once again reorganized in a dual effort to streamline environmental programs and to accommodate the mass exodus of professional staff from the MDEQ after the most recent round of early retirement incentives offered to state employees last summer. Whether or not this reorganization will accomplish its stated goals instead of creating even more confusion in an already embattled agency is yet to be seen.

You may remember the last major reorganization in 1996 separated the Department of Natural Resources and the Department of Environmental Quality into two separate departments. The Department of Natural Resources maintained all of the fundamental “sportsperson” related agency functions such as fisheries, wildlife management, etc. While the new, larger Department of Environmental Quality managed nine major environmental programs which dealt with the management of fundamental environmental issues such as contamination cleanups, environmental grants, water quality protection as well as other programs. The stated goal of that reorganization was to make environmental permitting and environmental quality management more streamlined and more responsive to regulated interests and the public. For the most part, despite the administrative critics to the contrary, this objective was achieved.

The latest reorganization merges essentially nine fundamental environmental quality programs into six divisions. The Air Quality Division will remain mainly in tact and will function essentially the same as it did prior to the reorganization. The Department has created a new and much larger Water Division which is comprised of the former Surface Water Quality Division and the Drinking Water and Radiological Protection Division. This new division will include the merging of groundwater programs from the former Waste Management Division and will also include Soil Erosion and Inland Lakes and Streams as well as Aquatic Nuisance programs from other divisions.

Another new division will be the Geologic and Land Management Division which will consist of the former Geological Survey Division (oil and gas regulatory agency ) and Land and Water Management Division. The former Waste Management Division will now be called the Waste and Hazardous Materials Division. This new division includes most of the former Waste Management Division, except for those groundwater programs mentioned above, and now also includes Storage Tank Technical Review as well as Radiological Protection programs from the former Storage Tank Division and Drinking Water Protection Divisions.

Another reconstituted division will be the Remediation and Redevelopment Division. This division is responsible for most environmental contamination cleanups and will include oversight of Michigan’s principal environmental contamination clean up statute as well as cleanup initiatives under the former Underground Storage Tank program.

Unfortunately, the news and implementation of the reorganization could not have come at a worse time. Political uncertainty and mixed policy messages have already ground the MDEQ’s bureaucratic process from its typical glacial speed to almost a complete halt. In fact, some administrative changes with the reorganization make it appear as though programs and meaningful decisions on major policy issues will come to a complete standstill. While streamlining is almost always positive and productive, one wonders how much streamlining an already under-resourced agency can take. Uncertainty with respect to the consistency of agency decisions and the political instability related to a change in Governors and political philosophy will not bode well for additional industrial capital investment in Michigan. Much more attention will need to be given to consistent and expedient agency decision making if Michigan is to enjoy a vibrant, commercial and industrial economy in the foreseeable future.

While it has often been said that “where there is confusion, there is profit”, that profit generally only gets distributed to the very few. Confusion creates unpredictability and unpredictability is anathema to a productive economic environment. Hopefully, the new administration within the agency and the Governor’s Office will act quickly to restore balance and predictability so that future economic and environmental opportunities are not lost.

The reorganization became effective September 15, 2002.

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