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STATE OF MICHIGAN  
WAYNE COUNTY CIRCUIT COURT

SOUTH DEARBORN ENVIRONMENTAL  
IMPROVEMENT ASSOCIATION, INC., a  
Michigan non-profit corporation;  
DETROITERS WORKING FOR  
ENVIRONMENTAL JUSTICE, a Michigan non-  
profit corporation; ORIGINAL UNITED  
CITIZENS OF SOUTHWEST DETROIT, a  
Michigan non-profit corporation; and  
SIERRA CLUB, a California corporation,

Appellants,

v

MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY, a Department of  
the Executive Branch of the State of  
Michigan; and DAN WYANT, Director of the  
Michigan Department of Environmental  
Quality.

Appellees.

Case No. 14-008887-AA

Hon. Robert L. Ziolkowski

14-008887-AA  
**APPELLANTS' OBJECTIONS**  
**TO ADMINISTRATIVE**  
**RECORD,** FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
OR, ALTERNATIVELY, 8/18/2014 3:05:46 PM  
CATHY M. GARRETT  
**MOTION TO DIRECT**  
**APPELLEE TO FILE**  
**COMPLETE ADMINISTRATIVE**  
**RECORD**

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Christopher M. Bzdok (P53094)  
Emerson Hilton (P76363)  
OLSON, BZDOK & HOWARD, P.C.  
Attorneys for Appellant SDEIA  
420 East Front Street  
Traverse City, MI 49686  
Telephone: (231) 946-0044  
Email: chris@envlaw.com  
emerson@envlaw.com

Nicholas Schroeck (P70888)  
Stephanie Karisny (P76529)  
Attorneys for Appellants DWEJ, OUCSD and  
Sierra Club  
4444 Second Avenue  
Detroit, MI 48201  
Telephone: (586) 610-2059  
Email: nschroeck@gmail.com  
skarisny@gmail.com

Tracy Jane Andrews (P67467)  
LAW OFFICE OF TRACY JANE ANDREWS, PLLC  
Co-Counsel for Appellant SDEIA  
317-B Lake Avenue  
Traverse City, MI 49684  
Telephone: (231) 714-9402  
Email: tjandrews@ymail.com

1. The Appellants, South Dearborn Environmental Improvement Association, Inc. (SDEIA); Detroiters Working for Environmental Justice (DWEJ); Original United Citizens of Southwest Detroit (OUCSW); Southwest Detroit Community Benefits Coalition (SWDCBC); and Sierra Club (collectively, “Appellants”) object to the administrative record filed by Appellant Michigan Department of Environmental Quality (MDEQ) because it is incomplete. Appellants request an order directing MDEQ to file the whole administrative record for an air permit issued by MDEQ to Severstal Dearborn, LLC (Severstal).

2. Appellants specifically request inclusion of the following categories of omitted documents:

- a. Documents related to Severstal’s compliance with air regulation and permits (including, without limit, Exhibits 1 through 6 attached to this motion);
- b. Documents evidencing MDEQ decisions to deny the air permit, and reversal of those decisions (including, without limit, Exhibit 7 to this motion);
- c. MDEQ documents evaluating Severstal’s “grandfathering” arguments – that the company should be exempt from Clean Air Act requirements passed since 2005 (including, without limit, Exhibit 8 to this motion);
- d. Documents related to a unlawful “extension agreement” entered by MDEQ and Severstal (including, without limit, Exhibits 9 through 11 to this motion);
- e. Documents related to the MDEQ Executive Office’s direct participation in the permit negotiations (including, without limit, Exhibit 12 to this motion);
- f. Documents related to the Michigan Economic Development Corporation’s intervention in the permit negotiations (including, without limit, Exhibits 4, 5, 6, 7, and 13 through 30 to this motion);
- g. Documents related to the original air permit in this matter; and
- h. Other documents absent from the filed record (including, without limit, Exhibits 31 through 35 to this motion).

3. MDEQ issued a new air pollution permit to Severstal on May 12, 2014, over Appellants’ objections. The new permit is titled Permit to Install (PTI) No. 182-05C (“the

Permit”). The Permit allows Severstal to emit hundreds more tons of air pollution into Appellants’ communities than Severstal was allowed to emit under its prior permit.

4. Appellants filed a Claim of Appeal challenging the Permit on July 10, 2014.

5. MDEQ filed an incomplete Administrative Record on August 4, 2014.

6. On August 8, Appellants notified MDEQ of substantial gaps identified in the filed Administrative Record.

7. There are likely additional gaps in the Administrative Record that are not identifiable by Appellants.

8. Michigan Court Rule 7.109(A)(2) provides that the contents of the record for a circuit court appeal of an agency decision is defined in MCR 7.210(A)(2), which in turn provides that the record includes all documents and files of the agency.

9. MDEQ has failed to file all the documents and files related to the Permit, as required by MCR 7.109(A)(2) and 7.210(A)(2).

10. Appellants request the Court order MDEQ to file the complete Administrative Record, including (without limit) the documents identified in Paragraph 2, above.

Respectfully Submitted:

OLSON, BZDOK & HOWARD, P.C.  
Attorneys for Appellant SDEIA

Date: August 18, 2014

By: /s/ Christopher M. Bzdok  
Christopher M. Bzdok (P35094)  
Emerson Hilton (P76363)

LAW OFFICE OF TRACY JANE ANDREWS, PLLC  
Co-Counsel for Appellant SDEIA

Date: August 18 2014

By: /s/ Tracy Jane Andrews  
Tracy Jane Andrews (P67467)

GREAT LAKES ENVIRONMENTAL LAW CENTER  
Attorneys for Appellants DWEJ, OUCSD, SDCBC, and  
Sierra Club

Date: August 18, 2014

By: /s/ Stephanie Karisny  
Nicholas Schroeck (P70888)  
Stephanie Karisny (P76529)