

May 12, 2016

Valerie Brader, Executive Director  
Michigan Agency for Energy  
7109 W. Saginaw Highway  
Lansing, MI 48917

Dear Ms. Brader:

In January 2016 Michigan Agency for Energy released their Sector Liaison Plan to meet the community engagement requirements of the Clean Power Plan (“CPP”). Sector Liaisons were appointed by Michigan Agency for Energy to conduct stakeholder outreach for the purpose of soliciting and gathering comments on Michigan’s state carbon implementation plan. Michigan Agency for Energy designated six stakeholder groups that include: Energy providers, business, environmental/health, low-income/vulnerable communities, regional/local governments, and tribal communities.

The sector liaison appointed for the low-income/vulnerable communities’ stakeholder group is the Coalition to Keep Michigan Warm (“CTKMW”). CTKMW is made up of members that work to meet the energy assistance needs of Michigan’s most vulnerable communities. CTKMW has seven utility members that include Consumers Energy and DTE Energy the two largest energy providers in the state. DTE Energy also provided financial support to create CTKMW’s website. DTE Energy operates six affected energy generating units (“EGUs”). One of those affected EGUs is River Rouge Power Plant. In the EJ Screening Report for the Clean Power Plan EPA found that the population within three miles of the plant was 71% minority and 65% low-income, well above the state average of 23% minority and 35% low-income.<sup>1</sup> Consumers Energy operates four affected EGUs. One of those affected EGUs is B.C. Cobb. In the EJ Screening Report for the Clean Power Plan EPA found that the population within three miles of that plant was 39% minority and 56% low-income, well above the state average for those demographic indicators.<sup>2</sup> Sierra Club believes that CTKMW being designated as the sector liaison for low-income/vulnerable communities is a clear conflict of interest given those energy providers that are subject to the CPP are also members of the coalition. Because of this conflict CTKMW cannot be impartial and therefore will be unable to adequately represent the best interests of vulnerable community members that include communities living near affected EGUs.

The CPP generally refers to “vulnerable” or overburdened communities to indicate those communities that are least resilient to the impacts of climate change and central to environmental justice considerations.<sup>3</sup> EPA intends for these terms to capture the full scope of communities, including urban and rural, that have high concentrations of communities of color, tribal, and/or low-income populations.<sup>4</sup> Environmental justice communities fall within EPA’s definition of vulnerable communities and therefore are a part of the low-income/vulnerable communities’ CPP

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<sup>1</sup> EJ Screening Report for the Clean Power Plan page 35-36

<sup>2</sup> Id. At 35-36

<sup>3</sup> Clean Power Plan Final Rule at (CPP) page 198

<sup>4</sup> Clean Power Plan Final Rule at (CPP) page 255

stakeholder group designated by Michigan Agency for Energy. The most vulnerable and overburdened communities in the state are communities of color and/or low-income that are disproportionately burdened by cumulative pollution impacts.

CTKMW cannot adequately represent the interests of these communities when members of that coalition are a part of the energy provider stakeholder group. These two stakeholder groups have divergent interests in the creation and implementation of Michigan's state carbon implementation plan. Sector liaisons are responsible for reviewing and synthesizing stakeholder comments by theme, major/minor opinions, or other appropriate grouping in a report. With the conflict of interest presented by CTKMW there is a concern that when tasked with reviewing and synthesizing stakeholder comments that CTKMW cannot act in the best interest of low-income/vulnerable communities ensuring that their ideas and concerns are fully articulated in their sector stakeholder report. An equitable and robust state carbon implementation plan requires input from all sectors of Michigan but especially from those most vulnerable to the impacts of climate change and air pollution. Since Michigan has decided to suspend its Clean Power Plan implementation work we would like to utilize this time to strengthen the stakeholder process for when the state resumes compliance. Sierra Club would like to request a meeting with you and your staff to discuss recommendations for a more suitable low-income/vulnerable community sector liaison.

Sincerely,

Mike Berkowitz, Legislative and Political Director, Sierra Club, Michigan Chapter  
Sharonda C. Williams-Tack Esq, Sierra Club, National Environmental Justice Chapter  
Alisha Winters, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Ebony Elmore, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Deitra Covington-Porter, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Dr. Dolores Leonard, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Theresa Landrum, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Vickie Dobbins, Transition/Planning Committee for River Rouge, Detroit (48217) and Ecorse  
Mr. Jay Henderson, President of the Riverbend Community Association  
Monica Lewis-Patrick, Co-founder of We the People of Detroit  
Yusef Shakur, Community Leader, Field Marshall, Souljahs of the People, Detroit

cc: Monica Martinez, Coalition to Keep Michigan Warm

Rick Snyder, Governor of Michigan

Keith Creagh, Interim Director, Michigan Department of Environmental Quality

Gina McCarthy, Administrator, U.S. EPA

Mustafa Ali, Senior Advisor to the Administrator for Environmental Justice, U.S. EPA

Janet McCabe, Acting Assistant Administrator for the Office of Air and Radiation

Robert Kaplan, Interim Chief, U.S. EPA Region 5

Alan Walts, US EPA 5, Director Office of Enforcement and Compliance Assurance

Lara Lasky, U.S. EPA Region 5, Environmental Justice Coordinator

Alexis Cain, U.S. EPA Region 5, Clean Power Plan Contact

Erin Newman, U.S. EPA Region 5, Community Clean Power Plan Contact

Congresswoman Debbie Dingell, Michigan District 12

Congressman John Conyers, Michigan District 13

Congresswoman Brenda Lawrence, Michigan District 14

United States Senator Gary Peters, Michigan

United States Senator Debbie Stabenow, Michigan