

**Michigan Office of Administrative Hearings and Rules**  
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Environment, Great Lakes and Energy

**Division/Bureau/Office:**

Water Resources Division

**Name of person completing this form:**

Alyssa Sarver

**Phone number of person completing this form:**

517-881-1371

**E-mail of person completing this form:**

SarverA@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Dale Shaw

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2024-52 EQ

**Title of proposed rule set:**

Sewerage Systems

**3. Purpose for the proposed rules and background:**

## Agency Report to JCAR-Page 2

The general purpose of these rules is to implement the provisions of Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Currently, wastewater collection systems that discharge to a wastewater treatment facility are operated by individuals that are not certified with a system-specific certification. The proposed rules will require facility classification and a certified operator for collection systems. EGLE is addressing longstanding operation and maintenance issues with collection systems such as breakdowns, blockages, capacity issues, infiltration and inflow, and structural integrity issues. The additional oversight, operation, and maintenance requirements for the collection systems will provide more protection for public health and the environment and assist the receiving wastewater treatment plants to better manage their systems to meet permit requirements.

The proposed retention treatment basin (RTB) facility classification and corresponding operator certification requirement will improve the quality of operation of RTB facilities by focusing operator knowledge on operational situations and processes unique to these types of facilities. Most RTB facilities require operator certification at the Class D level or with industrial wastewater treatment certifications that reflect the waste treatment at those systems. Neither of those certification processes accurately reflect the nature of an RTB facility. The proposed RTB certification will allow those operators to become properly certified with relevant information and continuing education requirements.

Construction permit requirements are being streamlined to better address continuity of service concerns for privately owned, publicly used sewer or sewerage systems. This is currently addressed with WRD Policy and Procedure No. WRD-010, Part 41 – Sewerage Systems Permit Approval, and the process has been somewhat cumbersome for both applicants and WRD staff who process construction permits. The proposed rules will include requirements for such systems and streamline the permit process by setting clear expectations in rule for privately owned, publicly used systems so that they may plan accordingly when submitting applications for Part 41 Wastewater Construction Permits (Part 41 Permit). Additionally, requirements for approval of plan revisions have been updated to be consistent with the statute.

EGLE is proposing to rescind R 299.2972, R 299.2973, and R 299.2974 due to duplicative language that exists in the Administrative Procedures Act, 1969 PA 306, as amended; the administrative rules pertaining to the Michigan Office of Administrative Hearings and Rules; and additional rules pertaining to contested cases and declaratory rulings.

#### **4. Summary of proposed rules:**

## Agency Report to JCAR-Page 3

The Department of Environment, Great Lakes, and Energy (EGLE), will hold a public hearing to receive public comments on proposed changes to the Sewerage System administrative rule set.

The proposed rule set (2024-52 EQ) will amend the current administrative rules to require facility classification and operator certification for collection systems and retention treatment basins (RTB). Currently, wastewater collection systems that discharge to a wastewater treatment facility are operated by individuals that are not certified with a system-specific certification. EGLE is addressing longstanding operation and maintenance issues with collection systems such as breakdowns, blockages, capacity issues, infiltration and inflow, and structural integrity issues. The additional oversight, operation, and maintenance requirements for the collection systems will provide more protection for public health and the environment and assist the receiving wastewater treatment plants to better manage their systems to meet permit requirements.

The proposed RTB facility classification and corresponding operator certification requirement will improve the quality of operation of RTB facilities by focusing operator knowledge on operational situations and processes unique to these types of facilities. Most RTB facilities require operator certification at the Class D level or with industrial wastewater treatment certifications that reflect the waste treatment at those systems. Neither of those certification processes accurately reflect the nature of an RTB facility. The proposed RTB certification will allow those operators to become properly certified with relevant information and continuing education requirements.

Additionally, construction permit requirements are being streamlined to better address continuity of service concerns for privately owned, publicly used sewer or sewerage systems. This is currently addressed with Water Resources Division (WRD) Policy and Procedure No. WRD-010, Part 41 – Sewerage Systems Permit Approval, and the process has been somewhat cumbersome for both applicants and WRD staff who process construction permits. The proposed rules will include requirements for such systems and streamline the permit process by setting clear expectations in rule for privately owned, publicly used systems so that they may plan accordingly when submitting applications for Part 41 Wastewater Construction Permits (Part 41 Permit). Additionally, requirements for approval of plan revisions have been updated to be consistent with the Part 41 statute.

EGLE is proposing to rescind R 299.2972, R 299.2973, and R 299.2974 due to duplicative language that exists in the Administrative Procedures Act, 1969 PA 306, as amended; the administrative rules pertaining to the Michigan Office of Administrative Hearings and Rules; and additional rules pertaining to contested cases and declaratory rulings.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

Lansing State Journal, March 25, 2025  
Oakland Press, March 25, 2025  
Mining Journal, March 25, 2025

**6. Date of publication of rules and notice of public hearing in Michigan Register:**  
4/1/2025

**7. Date, time, and location of public hearing:**

## Agency Report to JCAR-Page 4

4/8/2025 11:00 AM at Virtual: <https://bit.ly/WRD0408> To join by phone: 636-651-3142  
Conference Code: #374288 , In Person: ConCon Conference Room, Constitution Hall, 525 West Allegan Street, Lansing, MI 48933

### **8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1559>

### **9. List of the name and title of agency representative(s) who attended the public hearing:**

Phil Argiroff, Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
Alyssa Sarver, EGLE  
Charlie Hill, EGLE  
Matt Staron, EGLE  
Tom Braum, EGLE  
Thomas Miller, EGLE  
Jay Oh, EGLE  
Jim Ostrowski, EGLE  
Joel Roseberry, EGLE  
Aimee Crouch, EGLE  
Kaitlyn DeVries, EGLE (virtual)

### **10. Persons submitting comments of support:**

Greg Tata, Marion Howell Oceola Genoa Sewer & Water Utilities  
Jacob Mitchell, Marion Howell Oceola Genoa Sewer & Water Utilities  
Brad Johnson, Chocolay Township

### **11. Persons submitting comments of opposition:**

Gail McLeod, City of Allen Park  
Justin Danosky, Charter Township of Brownstown  
Jesus Palsencia, City of Wyandotte  
Ramzi El-Gharib, City of Westland  
Brian MacDonald, Northfield Township  
James Lancaster, City of Milan  
Tim Neighbors, City of Woodhaven  
Charles Eudy, City of Farmington  
Byron Nolen, City of Inkster  
Eric Scanland, Huron Charter Township  
Chris Barnett, Charter Township of Orion  
Pat McRae, Charter Township of Redford  
Patrick Cullen, Wayne County Department of Public Services  
Kelly Trombly, Huron Charter Township

### **12. Persons submitting other comments:**

Mike Stephens, Guardian Wastewater Services  
Sally Duffy, Hubbell, Roth & Clark  
Angela Hysinger, Rochester Hills  
Kevin Johnson, Macomb Township

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
1	1.Mike Stephens, Guardian Wastewater Services	The word “public” should not be in our definition of “public.”		Revised the definition. This revision meets our needs to define “public” as it pertains to the definitions of sewer and sewerage systems and treatment facilities under Part 41 of Public Act 451 of 1994, as amended.	R 299.2903(j)
2	2.Sally Duffy, Hubbell, Roth & Clark		Suggested that we revise the definition of retention treatment basin.	Revised the definition.	R 299.2903 (m), R 299.2911 (5)
3	3.Sally Duffy, Hubbell, Roth & Clark		Suggested that EGLE either define what a “connection” is, or consider basing collection system facility classifications off population, like wastewater treatment plants are classified under these same rules.	Revised the proposed facility classifications for Class C1, C2, C3 and C4 to align with population served instead of number of connections. This aligns with what already exists under R 299.2911 for the classification of wastewater treatment facilities.	R 299.2911 (1), R 299.2911 (6)(a), R 299.2911 (6)(b), R 299.2911 (6)(c), R 299.2911 (6)(d), and R 299.2912 (2)(a)

Agency Report to JCAR-Page 6

4	4.Mike Stephens, Guardian Wastewater Services	Low pressure sewer systems were not included or accidentally omitted from the C4 facility classification.		Revised R 299.2911(1) and R 299.2911(6) to include low pressure systems as any type of system, regardless of population size, that conveys wastewater to a wastewater treatment plant. This aligns with what already exists under R 299.2911 for the classification of wastewater treatment facilities.	R 299.2911 (6) and R 299.2911(6) (d)

Agency Report to JCAR-Page 7

5	5.Sally Duffy, Hubbell, Roth & Clark		Asked for clarification regarding our proposed education and experience requirements for Class C1 and C2 certifications, as we specifically state 2-year and 4-year degree requirements, which are not as explicitly written for the Class A and Class B education and experience requirements for certification and already exist in this rule set. Additionally, Sally asked us to consider using R 299.2928(2) in cases where operators do not have the proper education to meet the proposed requirements.	Revised the Class C1 and Class C2 education and experience requirements to better align with what already exists under R 299.2928(1)(a) and R 299.2928(1)(b) and will utilize R 299.2928(2) to substitute additional years of experience and/or post-high school course work, in lieu of formal education to meet these requirements (with advice from the certification Board of Examiners).	R 299.2918 (1)(i)(A), R 299.2918(1)(i)(C), R 299.2918(1)(ii)(A), R 299.2918(1)(ii)(C), R 299.2918(1)(j)(i), and R 299.2918(1)(j)(iii)
6	6.Sally Duffy, Hubbell, Roth & Clark		Asked EGLE to consider where the public sewer “starts” in a privately owned, publicly served utility, and how this consideration could impact the proposed escrow requirements.	Revised this section to align with the escrow language for similar utilities that currently exists under MCL 325.1010 of the Safe Drinking Water Act.	R 299.2935 (4)(d)

Agency Report to JCAR-Page 8

7	7.Sally Duffy, Hubbell, Roth & Clark		Asked for clarification regarding “minor modifications” as listed in the rules.	Revised R 299.2942(1) to include proposed language that mirrors what was previously mentioned in the rule, for clarity.	R 299.2942 (1)
---	--------------------------------------	--	---	---	----------------

**14.Date report completed:**

7/29/2025