

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Public Hearing for the Administrative Rule Sewerage Systems

Tuesday, April 8, 2025

APPEARANCES:

For the Michigan Department of Environment, Great Lakes, and Energy:

- Jim Ostrowski – Environmental Support Division (ESD)
- Phil Argiroff – Water Resources Division (WRD)
- Alyssa Sarver – WRD
- Charlie Hill –WRD

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In-Person and Zoom Public Meeting

Tuesday, April 8, 2025 – 11:00 a.m.

JIM OSTROWSKI: Thank you, Phil, Charlie and Alyssa again, my name is Jim Ostrowski, the Environmental Support Division here at EGLE. We are now going to start the public hearing portion of today's meeting and I'll be the hearings officer for the hearing and for the proposed Part 41 administrative rule revisions, specifically 2024-52 EQ, Sewer Systems. I'm going to have Alyssa go ahead and read the hearing, official hearing statement and it's kind of long, but I'll let you if you want to read it from there, you can go ahead.

ALYSSA SARVER: Happy to. So, in order for the rules to be adopted, the Department must follow the procedure set forth in the Administrative Procedures Act, Act 306 of 1969,

as amended. The purpose of today's hearing is to give anyone interested an opportunity to provide information that the Department may use to make changes to the proposed rules. We are here today to receive public input on these proposed changes. The Notice of this public hearing was published in three newspapers of general circulation, the Lansing State Journal, the Mining Journal, and the Oakland Press on March 25th, 2025. The public hearing was also posted to EGLE's Environmental Calendar on March 5th, 2025. Copies of the Notice of Public Hearing, Regulatory Impact Statement, and the proposed rules have been made available on the Michigan Office of Administrative Hearings and Rules, MOAHR website.

Please understand the purpose of the hearing today is to provide an opportunity to receive and listen to your comments only. The hearings process does not allow for open discussion or questions about the proposed rules. EGLE staff will not be responding to questions or comments during the hearing. This hearing is being recorded, and your comments will become a part of the information the Department will consider when finalizing the proposed rules. The public comment period for the proposed rules ends on April 30th, 2025 at 5:00 PM. If you have written comments or materials that you would like to submit, please email them to EGLE-WRD-OpCert@Michigan.gov by 5:00 PM on April 30th.

Following the public hearing, we will review the written and verbal comments received during the comment period. Once this review is done, an Agency Report will be prepared. The Agency Report will explain any additional changes EGLE may make to the proposed rules as a result of comments received. It will also summarize who is in favor of the draft rules and who is opposed to them. The proposed rules and the Agency Report will be submitted to the MOAHR and the Joint Committee on Administrative Rules, JCAR. JCAR is a bipartisan legislative committee made-up of five House and five Senate members that provide legislative oversight of the rulemaking process. The Agency Report will be available on MOAHR's website or by contacting the WRD office. Once approved, the rules will be filed with the Secretary of State and will take effect immediately after filing. You can follow along the rulemaking process step-by-step by going to MOAHR's website.

JIM OSTROWSKI: All right. Thanks, Alyssa. So just for the record, just want to make a note that here in attendance to get about 11 people here including EGLE staff. Also with me today is Joel Roseberry with our division. Joel, how many people online do we have?

JOEL ROSEBERRY: 25

JIM OSTROWSKI: 25 people online. Very good. All right, so to ensure today's hearing is conducted in a fair manner, we're going to follow these steps. I'm going, I've got everybody that wanted to make a comment here in person has filled out one of these comment cards and I'm going to go through those first. When I call your name up here, if you would, please come up to the desk and say your name and any organization that you

might represent and then you can begin your comment. OK? Each person will have four minutes to make their comment today and I'll be tracking it on my phone. That's why I'm looking on my phone here. After we get through the people here in the audience that would like to make a comment, we are going to open it up to people online that would like to make a comment. And up on my screen here, I've got an indication how you do that. You can click the raise hand icon and you can make a comment, and Joel will let me know if your hand is raised and I will call on you and we will unmute your mic so you can make a comment. You can also submit your comment in the Q&A box if you don't want to voice your comment. If you do that though, make sure you type the word "comment" first, write the word "comment," then enter your comment, and I'll have Joel read that off verbally on here. Also, if you're on the phone, do we have anybody on the telephone today?

JOEL ROSEBERRY: One.

JIM OSTROWSKI: One person on the phone. If you're on the phone and you'd like to make a comment, hit the pound two button on your phone, hit pound two and that'll indicate that you want to make a comment to us. OK. When all comments have been completed, we'll ask if anyone else would like to make a statement and anybody else hasn't made a statement and wants to, you can certainly do that then. Just a reminder, each person will have four minutes to make their comments, and we will indicate when you have one minute remaining. Please begin wrapping up your comments and end within the allotted time frame. If need be, we'll indicate when your time has ended.

All right, so we'll get started then. And again, you know, probably should have you guys introduce yourselves because we didn't officially do that. So, I'm going to have you guys go each go through and introduce yourselves in your title.

ALYSSA SARVER: Sure, that's a good idea. For the record, my name is Alyssa Sarver. I'm the Wastewater Certification and Exam Specialist for the Water Resources Division at EGLE.

CHARLES HILL: Charles Hill, Wastewater Engineering Specialist for Water Resources Division at EGLE.

PHIL ARGIROFF: Phil Argiroff, an Assistant Division Director in WRD.

JIM OSTROWSKI: All right, thank you. And so just a reminder, they're just here to listen, take notes to your comments. So, they're not going to be answering any questions or anything like that. Yeah. All right. So, the first person that indicated they want to make a comment is Sally Duffy. Sally, you can come right up. And remember to state your name in any organization you represent, and you can get started when you're ready.

SALLY DUFFY: OK. Thank you. Yeah. I'm Sally Duffy. Hubble, Roth, & Clark Consulting Engineers out of Bloomfield Hills, MI. I think I'll go ahead and just submit written comments that might be easier because we have until April 30th to do that. As my understanding to the email account, most of the comments are just suggestions on tweaking some language and definitions. So yeah, I think at this point, it might be better to follow up with an email. Thank you.

JIM OSTROWSKI: OK, thanks, Sally. And we'll be showing up on the screen again how you make comments other ways too. Next up is Jacob Mitchell. So come on up, Jacob.

JACOB MITCHELL: Hello, my name is Jacob Mitchell. I'm the Lead Collections Operator for MHOG out of Genoa Township. First, I want to thank Greg and everybody else who put their hard work in to get this off the ground. I'm very excited to talk about something that's going to make a big difference in our industry in the new collection system operator certification. It isn't just another requirement box to check, it's a real step forward. By setting clear standards for training and knowledge, we're bringing more consistency, accountability, and professionalism to the work that we do. Certified operators have always played a key role keeping our system safe and running smoothly. But now with the new certification, we're raising the bar even higher. And what's the biggest benefit? It makes our employees more valuable. It gives them more tools and training to do their jobs better, and safer, it turns a job into a career path. And for employers, it means a stronger, more skilled team that is ready to handle whatever comes next. So, let's not see this as just another requirement. Let's use an opportunity to grow and invest in our people and to build a better future for our industry and the communities that we serve. Thank you.

JIM OSTROWSKI: All right. Thanks, Jacob. All right, next person here is Greg Tatara. Greg, come on up.

GREG TATARA: Thank you. My name is Greg Tatara. I'm the utility director with the MHOG Sewer and Water Authority. I look back at my notes and the very first meeting we had on this was December 3rd of 2019, upstairs. I remember that well when we first brought this up. And just to kind of highlight based on what Jake said, this was born from our employees coming to us and saying, you know, we have a specific division that's just collection systems. They came to us, saying like, we want to be treated the same as the guys that get distribution licenses, and the guys that have wastewater operator licenses. And you know, in our group it was always seen that the, collection guys were kind of like the, you know, not the most deserved position. And people always want to get out of that because they could advance more in distribution and then go to a bigger system to work and things like that. So, really this was born out of that. That request I received from, from my employees.

As an employer, I want to speak more from an employer standpoint here as to what it means for us. So, it gives us the ability to treat employees equally across the board. So, if I have collection operators, water distribution operators and operators, now each of them have a very similar collection path. So, I can base my, you know, rates of pay and things like that on advancing in, in those different categories. It increases the knowledge of our staff. Our staff now will be more knowledgeable, which will hopefully decrease our liability that we have.

I view our collection systems as one of our biggest sources of liability from sewer backups to SSOs and it hopefully will reduce the liability we have with that. It provides standardization across the industry. So, if we do have to hire or do a recruitment for somebody, I know I'm getting somebody with a certain base level of knowledge if I hire that person in the future they come with a certain certification. It will improve the management of our assets, you know, the millions and millions of dollars our residents have paid to build the infrastructure we have and improves that management of that. That lifetime of that management.

And then, it helps me with succession plan. As a director, I can look now for people who are advancing their career and look to them to become the leaders of the future and leave our system in a better place than I inherited it. So, I'm in favor of this, of course. And I just wanted to speak to you from an employer standpoint, what benefits I see. Thank you.

JIM OSTROWSKI: Thanks, Greg. Can you repeat one more time? I didn't catch that. Which organization you're from?

GREG TATARA: MHOG Sewer and Water Authority.

JIM OSTROWSKI: OK, thank you. OK. Next person up is Mike Stephens. Mike, go ahead.

MIKE STEPHENS: Hi, good morning. Mike Stephens with Guardian Wastewater here mostly representing probably the small guy in the room. So privately owned public wastewater facilities. I applaud your efforts on this. I know this probably include encompassed a great deal of time. I think one of the things that I wanted or noticed really quickly, I think we may have underestimated the impact or the small private facilities that might be affected by this regulation. So, I did read the impact statement, which estimated only 5% of 600 municipalities would be affected or were indicated as privately owned. That would be 30 systems estimated. I can tell you that our company operates 33 systems. So, I can tell you it's far greater than 30 systems that are privately owned public facilities. I think the operator training and certification, you know, we had to in the private industry, we had to step up when these privately owned facilities were reclassified as municipal facilities. So, the municipal wastewater operator certification programs are very much geared towards full time municipal operators, the 2,000 hours requirement to get to even exam for

the system. So that was a great deterrent for private operations companies like ourselves to get municipal operator licenses to operate private, privately owned, public facilities. So, I'm glad to see that there aren't like those hour classifications in the in the collection system certifications that you're looking at. So that's good. But we had to step up and find a way to gather six years over multiple facilities to get the necessary 2,000 hours to test for those municipal examinations.

I do want to comment. I think, I think you could better clarify the term "public." And that's very important for privately owned public facilities. You talk about public as being one and more persons, but then you also talk about public sewer systems and may or being one or more individually owned properties or individually owned facilities. You define "public," but you use the word public in the definition. So, I think there's, there needs to be better clarity on defining public or publicly owned facilities. This would be very important for the privately owned facilities.

The collection systems. I, I did notice and many of the facilities that we operate would fall below that 50 connection limit, but there are some systems that would fall between 50 and 1,000. However, I noticed that you specifically exempted or omitted the language of low pressure sewer systems.

JIM OSTROWSKI: One minute.

MIKE STEPHENS: OK. And I'm curious as to why low pressure sewer systems was omitted and how those systems, low pressure sewer systems, would, would be classified between 50 and 1,000 connections. It appears that they don't, they're in a no man's land.

And then I do think that, that plan review for Part 41 applications, since they're for public facilities, should be reviewed by professional engineers. If they're being submitted by professional engineers, plans are submitted by professional engineers. I think they should be. And that was the department's policy, I know quite a long time ago. I would like to see that again. And then I do think we did find out recently that the policy or guidance regarding responsible charge of the day-to-day operation and maintenance, the department doesn't have any guidelines on that. So that has been determined to be fairly subjective based on the EGLE staff compliance person. So, I would like to see more clarification into that. So, thank you so much.

JIM OSTROWSKI: All right. Thanks, Mark. Mike. OK, I'm going to grab you, slide that mic down here. OK, so now does anybody else here want to make comment, in person? OK, going online, Joel, does anybody have their hand raised online? OK, just a reminder, I'll leave it open for just another few seconds here if anybody online will make a comment. You can click the raise hand icon on your Zoom toolbar. If you're on the phone, you can hit pound two or you can type your comment in the Q&A box and write the word "comment" on it. They always wait a minute because there is a little lag sometimes in Zoom so. Is there any hand raised?

JOEL ROSEBERRY: Excuse me, I have one hand raised.

JIM OSTROWSKI: OK, we do have a hand raised, name?

JOEL ROSEBERRY: Brad Johnson.

JIM OSTROWSKI: OK, Brad, we're going to unmute your mic and you can go ahead and make a comment. Just reminder to state your name, any affiliation and you got four minutes.

BRAD JOHNSON: Hello, my name is Brad Johnson with Chocolay Township. I just wanted to thank the EGLE staff for putting this forward. This is going to be a great, a great thing. I, I don't know if I said where I'm from with Chocolay Township up in the Upper Peninsula. This is going to be great for us up this way. It's going to, give it, open up a lot more opportunity for training and stuff like this for our staff. I think it's going to be very beneficial, and I'd like to thank you guys a lot for doing this. Thank you.

JIM OSTROWSKI: OK. Thank you, Brad for your comment today. Anyone else Joel?

JOEL ROSEBERRY: We have a comment in the box and it just says please define operator.

JIM OSTROWSKI: OK, so a comment came in and says please define operator. Thank you. And that'll go in our record as well. Anything else online?

JOEL ROSEBERRY: No, I do not have anything else at this time.

JIM OSTROWSKI: OK. With that then I will read our closing statement. Before I do that, I want to make sure I point out to those here and online the other ways to submit an official comment. You can do it via email, by sending an email to EGLE- WRD-OpCert, which is OPCERT@michigan.gov. You can also submit comments by mail: Michigan Department of Environment, Great Lakes, and Energy, Water Resources Division, Attention: Alyssa Sarver, 525 W Allegan St. PO Box 30458, Lansing, MI 48909 and the comment period after this public hearing will be open until 5:00 PM on April 30th, 2025. Thank you for your comments and cooperation. We appreciate that you have shown interest in these proposed ruler revisions by taking the time to be here today, both in person and online. And as previously mentioned, the public comment period ends April 30th, 2025 at 5:00 PM. Do you have any questions regarding the proposed rules, please let me know or you can come up here and visit our WRD staff once we're done. Also, on the

screen for those that are online, I put Alyssa's contact information. I'll leave that up there for a minute. The hearing is now closed. And thank you again for being here. Thank you.