

Fall 2023



From the President



Rick Throop
MSTA President

The colors of fall are now showing and the temps are dropping so, of course, the phones start ringing with the fall panic. For example, the customer that didn't want the yard a mess in the summer and now makes it our problem asking how soon someone can be here after you tell them how booked the schedule is. This, in my opinion, is what makes our industry so strong and helps us overcome adversity. Our association is full of very professional and intelligent

individuals that have many great ideas. I encourage all of you to reach out to us and tell us what ideas you have for topics you would like to hear more about at both our business meetings and annual conference.

MSTA recently had our fall business meeting in Traverse City and I would like to send a big thank you to Mike Chouinard and Matt Garvin from National Vacuum Equipment. They again hosted our meeting and provided a wonderful facility to do so. Mike and Matt from NVE did some great presentations for us. Thank you to Jordan Fekete-Ritter for helping arrange for the great lunch as well.

We also had a very good presentation about the Michigan Septic Code, which is currently being worked on in Lansing by Representative Phil Skaggs and our Legislative consultant Bill Lievense. They were able to discuss some key points of the code and also listened to many concerns that members had. There were lots of questions and opinions expressed and I am sure Bill will be able to consider these concerns while representing MSTA in Lansing.

MSTA will be having its 3rd Annual MSTA Conference at Soaring Eagle Casino and Resort in Mt. Pleasant, MI. This conference continues to grow every year and as a result, in 2024 we will be moving from the rooms we have been in the past 2 years, to the Expo Hall. We are still looking for some suppliers that may want to be exhibitors. If you have a company you deal with that you feel could benefit by coming to our conference, please reach out to Karlyn Wickham, MSTA Executive Officer, and get her their information. You can email her at executiveofficer@msta.biz. The conference starts at noon on Monday February 12, goes all day Tuesday February 13 and finishes at noon on Wednesday February 14th. This year we will be having a very good keynote speaker and many

other very informative presentations. An exact schedule will be out soon with all the presentation information. To register for the conference, go to www.msta.biz or fill out the form in this newsletter. Be sure to book your hotel room now because there is limited space for the MSTA rate of \$139/night plus taxes. Information about booking a room is online and on the registration form in this newsletter.

Lastly, I want to personally thank the MSTA board for all the hard work they do. They keep the association running smoothly, getting meeting information out to the members, scheduling speakers and finding useful topics for everyone. It would not be possible without the hard work of everyone. We are always looking for new board members to help out. If there is someone you feel would be an asset to our association please get their information to Karlyn.

I look forward to seeing everyone this February in Mt Pleasant.

Thank You,
Rick Throop
MSTA President

Mark Your Calendar

3rd MSTA Annual Conference

February 12-14, 2024

Soaring Eagle Resort – Mt. Pleasant, MI

Registration is now open to attendees and exhibitors.

Go to www.msta.biz to register or fill out the appropriate registration form in this newsletter.

Need a room at Soaring Eagle? Book your room right away by calling 877-232-4532. Mention Room Block Code MSTA021224 for a discounted rate for Sunday night, Feb. 11 through Tuesday night, Feb 13.



2024 MSTA Annual Conference
Monday, February 12 - Wednesday
February 14
Soaring Eagle Resort, Mt. Pleasant

2024 MSTA Fall Meeting
Date and Location to be
determined

2024 MSTA Spring Meeting
Saturday, April 13, 2024
Michigan Septic
Mason, MI

How To Find Your State Representative And State Senator

Michigan voters approved a constitutional amendment in 2018 that created a Michigan Independent Citizens Redistricting Commission (MICRC) and vested it with the authority to adopt new district boundaries based on census data for the Michigan Senate, Michigan House of Representatives, and U.S. House of Representatives every 10 years beginning in 2021. Using the 2020 Federal Census data, the MICRC redrafted the boundaries of Michigan's state house and senate districts. As a result, there have been significant changes in the district number you live in and who is your state representative and senator following the November 2022 election.

The Michigan House of Representatives and Michigan Senate websites have search engines where you can input your street address, city and zip code to find your state elected official.

To Find Your State Representative Go To:

<https://www.house.mi.gov/#findarepresentative>

To Find Your State Senator Go To:

<https://senate.michigan.gov/FindYourSenator>

Maps of all Michigan House and Senate Districts can be found the MICRC website:

<https://www.michigan.gov/micrc>

Reminders for Homeowners for preparing their pipes for the winter

Preparing Seasonal Septic Systems for Winter

By: Sara Heger, Ph.D

Precautions taken in the fall can help prevent a frozen system — and avoid any surprises in the spring.

“This article first appeared online at Pumper.com on Nov. 14, 2022, published by COLE Publishing, Three Lakes, Wis. It is reprinted by permission.”

In cold climates, many residences are seasonal. Shutting down a septic system for the winter is a vital task for seasonal homeowners to prolong the life of the system and to keep it operating at peak performance. Precautions taken in the fall can help prevent a frozen system. Here are tips to help your seasonal customers close up their septic system.

Remind homeowners that these winterizing tasks will help them avoid any surprises in the spring. It's also a good time for an inspection if the system is due for one, to make sure it's functioning properly before the home is closed up for the winter.

Winterizing the pipes

- Do not add automotive antifreeze, salts or any other additives to your plumbing.

- If you leave the water on for the winter, be very sure that there are no leaks or drips. This constant, low flow of water can cause septic system freezing. This is common with high-efficiency furnaces.

Even if the heat is left on, it is a good idea to drain water supply lines. Shut off the water where it enters the house and drain all lines.

Drain the pump and then run a couple of seconds to be sure all water is out of the lines. Drain the system by opening all the faucets and leave them open. Completely drain the pressure tank. Flush toilets and add RV antifreeze to the tanks at the recommended



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dilution ratio. Check any flexible hoses in sinks and bathtubs to be sure they are drained completely. Remove and drain inlet hoses for the dishwasher and clothes washer. Clear the water valve by starting the machine for a few seconds, then drain the tub. Remove the drain hoses, and drain them completely. Disconnect the electrical supply to the pump, water heater, softener, washer and dishwasher. Drain the water heater and water softener with a hose after power is disconnected. RV antifreeze can be added to traps in sinks, bathtub and shower drains, washtubs, floor drains and sump pumps. In the spring, reconnect all hoses and flush the lines out before using again.



Furnace

If you have a high-efficiency furnace that is left on for the winter, be sure there is no water drip into your system. Freezing can result. Reroute the drip water to a floor drain, bucket or other source that does not enter the septic system at all, or enters in larger amounts. This water does not harm the septic system, but entering in very small amounts causes a trickle of water that can freeze more easily. If shutting off the furnace, drain all water from forced hot water and steam systems unless the system contains antifreeze. If that is the case, call a plumber for assistance. If

the homeowner is leaving the furnace on, recommend that they conserve energy by installing a low-heat thermostat that will maintain the cabin at 40 to 50 degrees. It is also wise to open the doors of cabinets that have pipes in them so heat can get in. Pipes can also be insulated or wrapped with heat tape.

Septic system maintenance and pumping

Consider pumping the tank if the cabin will be closed for the winter, or if it will only be used a few times during the winter. If you live in an area with a high water table, you should only pump out the tank if the tank was designed for high water table conditions. If a tank is left full but the system is not used for the winter months, the sewage will get very cold and can even freeze. If the cabin is opened before temperatures in the soil start to rise, the effluent leaving the tank will be cold. By starting with an empty tank, you can then start fresh with warm effluent, which is desirable in the soil treatment area.

If you have an aerobic treatment unit the blower should be shut off if you will not be using the system. Follow any other manufacturer requirements.

Protect the soil treatment area

Advise homeowners to stop cutting the grass over the soil treatment area in mid-September or so. The extra grass length will help capture snow, providing insulation over the area. This

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can help prevent freezing. To help prevent septic systems from freezing, spread a layer of straw or leaves over the system to provide insulation.

Remind homeowners to keep all foot and vehicle traffic off the tank, pipes and soil treatment area (drainfield or mound). The only exception is the lawn mower. Snow should not be plowed off the area and plowed snow shouldn't be piled up over the drainfield.

About the author: Sara Heger, Ph.D., is an engineer, researcher and instructor in the Onsite Sewage Treatment Program in the Water Resources Center at the University of Minnesota. She presents at many local and national training events regarding the design, installation, and management of septic systems and related research. Heger is education chair of the Minnesota Onsite Wastewater Association and the National Onsite Wastewater Recycling Association, and she serves on the NSF International Committee on Wastewater Treatment Systems.



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2024 MSTA Conference Registration Form

Soaring Eagle Resort, Mt. Pleasant MI February 12-14, 2024

USE THIS FORM FOR CHECK PAYMENT ONLY. OTHERWISE REGISTER ONLINE AT WWW.MSTA.BIZ

COMPANY NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

EMAIL ADDRESS: _____ (required) PH # : _____ (required)

REGISTRATION FEES

Member price: (circle one)

\$160 per person* before January 1

\$190 per person* after January 1

Hotel Information

Call 877-232-4532. Mention Room
Block Code MSTA021224 for a special
rate for Sunday night-Tuesday night

Non-Member price: (circle one)

\$450 per person* before January 1

\$480 per person* after January 1

I will be attending the following days:

- ☐ Monday
- ☐ Tuesday
- ☐ Wednesday

* includes all meals and 1 banquet ticket for Annual Banquet on Tuesday night

Additional People attending from same company:

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NAME: _____ (circle) Mon, Tues, Wed. \$ _____

NAME: _____ (circle) Mon, Tues, Wed. \$ _____

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Each person registered gets 1 banquet ticket. If you would like additional banquet tickets for guests, enter the number of additional tickets you would like to purchase at \$40 each.

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Michigan Septic Tank Association 2024 Annual Conference Vendor and Sponsor Packet

LOCATION

Soaring Eagle Resort, Mt. Pleasant, Michigan

DATE OF CONFERENCE

Monday, February 12 at 12pm - Wednesday, February 14 at 12pm

TIMELINE

Exhibit Set Up: Monday, February 12 from 8am – 11am

Show Hours: Monday, February 12 at 12pm – Tuesday, February 13 at 7pm

Exhibit Tear Down: Wednesday, February 14 between 8am – 11am

REGISTRATION

To register, go to www.msta.biz. Payment can be in the form of a check or credit card.

QUESTIONS?

For questions, email Karlyn Wickham at executiveofficer@msta.biz or call 989-808-8648.

HOTEL

Call 877-232-4532. Mention Room Block Code MSTA021224 for a discounted rate.

PRICING

Sponsorships

1. Meet and Greet Reception (Monday Feb. 12 – only 3 spots available).....\$1,500
2. Banquet Reception (Tuesday Feb 13 – only 3 spots available).....\$1,500

Exhibit Booth(s)

6' skirted table and 2 chairs within a 10' wide X 8' deep space with electric included. Cost of booth includes all meals for 1 person and admission to all presentations. The annual auction takes place at the Banquet on Tuesday night. There is a booth discount for those bringing an item for the auction with a value of \$100 or more. There is also a \$100 discount if you exhibit and sponsor.

Booth cost w/ auction item.....	\$ 650
Booth cost without auction item.....	\$ 750
Additional person at booth.....	\$ 160

If you would like to be on the Vendor Committee or be a presenter at the conference, email Karlyn Wickham at executiveofficer@msta.biz

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What Defines Septic Tank Failure

By: Casey Fiedler

In Michigan, we get to deal with a broad range of definitions and opinions on wastewater terms since there is little cohesion from the top down. From one local health department (LHD) to another, slight changes in rules and wording may occur. One area may require certain inspections, while another may require a slightly different type of septic inspection.

Several years ago, I started getting curious about a certain line on the Ingham County Septic Tank Maintenance Report. This is a document ICHD requires pumpers fill out regarding septic tanks that are then used during their time of sale inspection procedure.

I noticed a line that asks, “Tanks had visible structural damage...” it then asks, “yes”, or “no”.

At the time, the company I was working with very rarely marked “yes” on this question. However, we would regularly come across tanks with roots, big, small, and in between sizes either entering around the lid or around the inlet/outlet penetrations of the tank. I’m sure most, if not all of you, have seen such a thing.

If I asked you the question “does this tank have visible structural damage” when you see small fingerling roots around the outlet pipe, what would you say?

What if the tank has big thumb-size roots coming in around the outlet pipe?

Well, as it turns out, often even the LHDs which do mandate inspections won’t really ante up and define their own terms. What exactly defines structural failure? Often people are reluctant to give a straight answer and want you, the pumper, to figure that out. This isn’t particularly helpful and makes you the bad guy when deciding!

As much as we may want to avoid causing our customers to have to replace a tank, we also have to be careful not to turn a blind eye to factors that could, in fact, be true structural failure when performing maintenance and inspections. So, let’s look at some definitions of failure.

According to Failing Septic Systems in Mid-Michigan (a 2018 document co-produced by Mid-Michigan District Health Department and the Mid-Michigan Water Quality Management Committee, among others) a septic tank is, “A watertight receptacle used for the purpose of receiving all domestic and organic sewage...” [page 27].

We can also reference the Michigan Criteria for Subsurface Sewage Disposal (Michigan Department of Environmental Health, 1994) that a septic tank, “...shall be watertight.” [page 4] Note, this manual is still oft used as the basis for system design and definitions in Michigan.

I could go on, but it seems unnecessary to cite more sources to show that, well, a septic tank probably needs to be watertight in order to actually be a septic tank.

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So, if a septic tank needs to be watertight by definition, then that leads us unavoidably to the conclusion that anything causing a loss of watertightness then, by extension, would cause a septic tank to cease being... well... a septic tank by fundamental definition..

I don't know about you, but I would say that loss of watertightness would probably constitute the biggest possible failure of a septic tank - the inability to soundly contain the septage waste inside (and thereby perform its other tasks).

So, if you open a tank and find roots inside, how would you report it? Is it failing? Does it need to be replaced? Are repairs acceptable?

I'm sure everyone has a slightly different take on the subject. How does your company write your reports?

It seems impossible to argue that a tank with root penetration is watertight. I think by the measure of the "reasonable person test" (a standard applied in some legal contexts)

a reasonable person would conclude that if roots can get in, water can get in (or out). That's just

simple common sense though I'm sure some might feel otherwise.

What things might cause a loss of watertightness?

- Risers installed without watertight seals

- Roots penetrating the tank
- Tank halves installed without sealant
- Cracks, fissures, breaks, etc.
- Non-sealed penetrations
- Pipe boots that have degraded or were installed improperly

Those are just a few examples that come to mind.

It seems pretty hard to conclude from a professional standpoint that a tank with root intrusion is still definitionally a tank. I would argue, and I would say it's a pretty strong argument, that root intrusion into a septic tank, for the purposes of an inspection or report, would constitute a structural failure of the tank and, without a doubt, disable the tank's ability to remain watertight.

Now, that's not to say that the roots can't be removed, and the tank could then be restored to proper functioning order with some work! Absolutely, that's possible.

It would seem, though, to cover our own butts and to do a thorough, unbiased and professional review of a septic tank, we must conclude that root intrusion constitutes failure. Good news is, though, that if you didn't know about it before you can now point to some third-party documentation, and you won't have to be the bad guy when it comes to making a decision about "failure"!

Maybe you have a different take on the matter. If so, Karlyn would be happy to publish your thoughts or counterpoints in the next newsletter!



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MSTA Board Election Announcement

Soon it will be time again to nominate individuals who you feel would make a great board member. If you have someone in mind, please reach out to them to see if they would be interested before submitting their name to MSTA. If YOU are interested, please nominate yourself for a position on the board. Here's how the nomination process works:

- MSTA Board Members serve a two-year term
- The term starts at the Annual Meeting during the MSTA Annual Conference which takes place in January or February each year
- Each year some of these positions expire and need to be re-filled by new or existing Board Members
- You must be a paid member to sit on the board and you must be the “primary” member for your organization. Additional members (employees in your company) cannot be a board member. If you are nominating someone, be sure they are a paid member of MSTA and are the primary member for their organization. Contact MSTA at executiveofficer@msta.biz to find out if the person you nominate is in good membership standing and is the primary member.
- In the fall, all members will be emailed an electronic survey to be given the opportunity to nominate someone to the board. If you do not have an email address, call MSTA at 989-808-8648 to tell us who you would like to nominate.
- Nominating someone doesn't mean they are automatically on the board. A final list of nominees will be emailed to the membership and they will be asked to vote for people to fill the open positions.
- Your votes will be tallied, and the new board members will be confirmed and announced to the membership in late fall.
- The Executive Directors are determined next. The Executive Directors are the President, Vice President, Secretary and Treasurer. These positions are only voted on by the Board of Directors and not by the full membership.
- The newly elected Board of Directors will have their first meeting during the MSTA Annual Conference.

We hope that you will consider running for or nominating someone to run for the MSTA Board of Directors. If you have any questions, feel free to contact one of the current board members or Karlyn Wickham, Executive Officer of MSTA. All contact email addresses and phone numbers can be found on the MSTA Website at www.msta.biz.

The following board members' terms are up for renewal or replacement:

Ryan Carey	Tom Schunk
Jason Spangle	Randy Redmer
Dervin Witmer	Chris Sloan
Stephanie Powell	



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Scholarship Information for Dave Snyder and Mark Scott

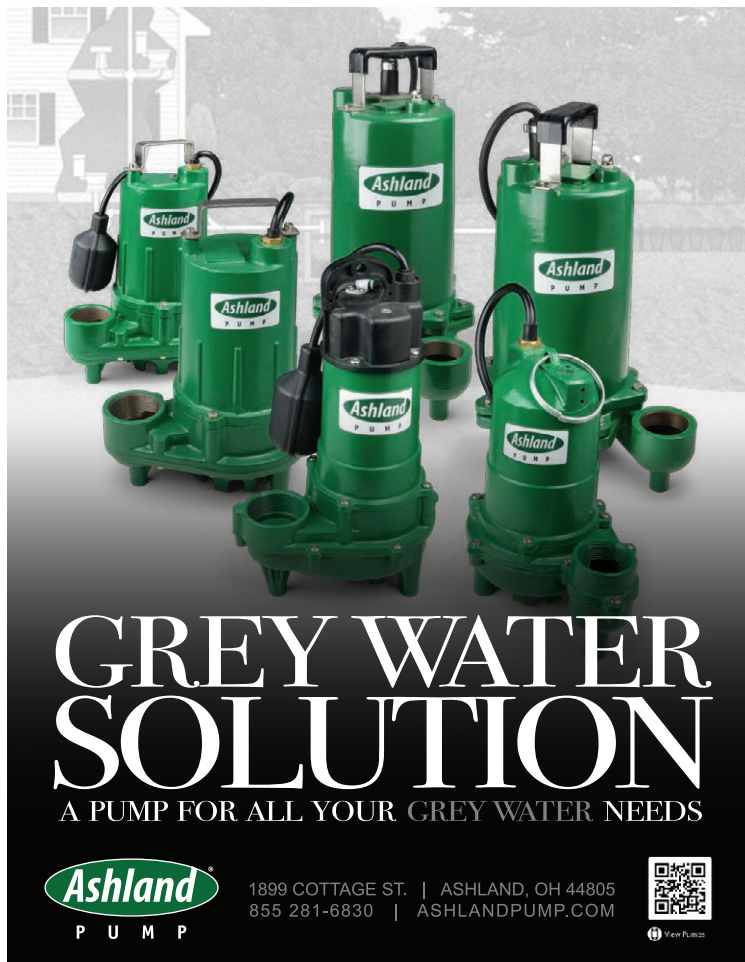
As most of you know, we lost two very special people and past MSTA Board Members in late 2021. Since then, we have been working toward honoring them by donating money toward something they both would be proud of. Any money that was given to MSTA in the past, has already been forwarded to the appropriate fund for each of these men. Any future money that people want to donate cannot be sent to MSTA but rather it should go directly to the fund designated for Mark or Dave.

Mark Scott's family already had a scholarship in the family name and the money for that scholarship is given to students in the Roscommon County going into vocational, technical, or trade school programs.

Dave Snyder's fund is called "Seeds of Hope" and it is through the Muskegon Area Intermediate School District and will be used for developing projects for high school junior and seniors that want to pursue a career in skilled trades or outdoor recreation/conservation.

Below is the information for each of these funds and where to send the money. If you have any questions about the funds, please contact the person listed below.


This information can also be found on the MSTA Website at www.msta.biz then going to RESOURCES at the top of the page and scrolling to Scholarships.



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Dave's Scholarship

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Muskegon, MI 49442

Contact person: Kelsie Farkas
kfarkas@muskegonisd.org (231) 767-7211

Mark's Scholarship

Make check payable to Roscommon County Community Foundation and on the check put a note at the bottom: Scott Family Scholarship Fund

Roscommon county Community Foundation
3975 W. Federal Hwy, Suite 2
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Roscommon, MI 48653

The contact person for this fund is: Suzanne Luck
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Legislative Report by Bill Lievense, Capitol Group Consultants LLC

Septic Code Legislation Slows As Legislature Focuses On Energy Package

With the Legislature focusing on a major energy package, progress has stalled on legislation amending Michigan's Public Health Code to establish a statewide septic code (HB 4479/SB279) and create an wastewater technical advisory committee (HB 4480/SB 300). The bills create a new Part 128: Onsite Wastewater Treatment Systems in the public health code. The bills change the language in the current statute from "septic tank disposal systems" to "onsite wastewater treatment systems."

Multiple concerns with the bills have been expressed by the Department of Environment, Great Lakes & Energy (EGLE). MSTA met with the bill sponsors and conducted a tour of a septic tank and drain field installation with Rep. Skaggs hosted by MSTA member Tim Van Ree of Kerkstra Septic. Key provisions of the legislation are summarized below. Revised drafts of the bills were provided to MSTA along with a summary of changes from the original versions of the bills.

HB 4479 (Skaggs) and SB 299 (Singh) provide that a person shall not install, construct, alter or repair an onsite wastewater treatment system without a permit from an authorized local health department or the department (EGLE). Further, a local unit of government shall not issue a building permit for a residence or facility that will be served by an onsite wastewater treatment system unless a construction permit for the onsite wastewater treatment system has been obtained. The construction and installation of an "alternative system" is subject to certain conditions and must be inspected every 5 years. Beginning on January 1, 2026, a person shall not install, construct, alter, or repair a proprietary product unless that product has been registered for use in the state by the department and a \$3,000 fee paid. The department shall develop recommended standards and guidance to assist local health departments in permitting different types of systems in three categories. Inspections of onsite wastewater treatment systems shall occur once every 5 years if a complaint is filed or there is a suspected failure or the department determines there is reasonable cause, a change in use is proposed or the owner applies for a building permit. The inspection must be conducted by the department, local health department or a registered inspector and include specific items. Pump out is required as part of the inspection after the level of effluent is first documented. A report is required to be sent to the owner and department. The department may charge a reasonable fee for an inspection plus a \$25 fee to the state. If the inspection report calls for pumping it should be done by a licensed septage waste hauler. Beginning January 1, 2026 an onsite wastewater treatment inspection shall only be conducted by the department, registered inspector or qualified local health department staff. Inspectors must meet prescribed educational and training requirements. A local unit of government, county, or local health department shall not adopt a point-of-sale ordinance related to onsite wastewater treatment and an existing ordinance must be phased out.

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HB 4480 (Rheingans) and SB 300 (Singh) create a technical advisory committee to advise the department and recommend standards with 19 members representing various constituencies. The department is authorized to promulgate administrative rules containing performance-based standards for conventional and alternative wastewater treatment systems. There is also a requirement for septic tanks installed or altered after the effective date of the amendatory act that added this section to contain a septic tank access riser and secondary safety device. An onsite wastewater treatment system administration fund is created within the state treasury with prescribed uses for the money.

NEW BUSINESS COALITION OPPOSING ANTI-BUSINESS LEGISLATIVE PROPOSALS

The Michigan Chamber of Commerce, the Michigan Manufacturers Association, Detroit Regional Chamber of Commerce, Grand Rapids Area Chamber of Commerce announced the formation of a new coalition, the Great Lakes Growth Coalition, to oppose four Democrat sponsored legislative proposals viewed as destructive to Michigan's business climate. The four proposals include: workplace benefit mandates (mandatory paid leave), limits on career freedom (amend "independent contractor" definition), employment law certainty (allow local wage & employment regulations) and expensive clean/renewable energy mandates. See the proposals below.

Businesses Oppose Mandatory Paid Family & Medical Leave Proposals (Great Lakes Growth Coalition Opposes This Legislation)

As part of her "What's Next" speech on August 30th, Governor Whitmer called for paid family and medical leave for all businesses in Michigan similar to a model currently proposed in Minnesota. The Minnesota law enacted earlier this year provides for up to 20 weeks of paid leave with a .7% premium shared by employers and employees. The estimated cost for businesses is over \$1 billion. The framework for this proposal is currently in SB 332 and SB 333 in the Senate and HB 4574 and HB 4576 in the House. The Governor followed up her speech with a press release announcing there was strong support for such a proposal in Michigan according to recent surveys.

Businesses Oppose Legislation To Amend Definition of Independent Contractor (Great Lakes Growth Coalition Opposes This Legislation)

The Michigan business community has mobilized to oppose legislation (HB 4390 and HB 4391) that would change the definition of "independent contractor" in Michigan from the current 20 factor federal tax code definition (see Michigan Department of Labor & Economic Opportunity Fact Sheet 155 – Independent Contractor Or Employee) to a simple 3 factor "ABC Test" as recently enacted in California and a few other states.

- f) "Independent contractor" means an individual who performs work for a payer for remuneration and to whom all of the following apply:
 - (i) The individual is free from control and direction of the payer in connection with the performance of the work, both under a contract and in fact.
 - (ii) The individual performs work that is outside the usual course of the payer's business.
 - (iii) The individual is customarily engaged in an independently established trade, occupation, or business of the same work performed by the individual for the payer.

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This is a dramatic change from the flexibility and off-ramps allowed under the current Michigan independent contractor definition. The major concern is the broad nature of the test (particularly factor “B” as provided in ii above) and the likelihood that many people who are currently considered independent contractors will now be deemed to be employees subject to all the benefits and privileges of an employee along with other obligations (tax withholding, payroll taxes, etc.).

**Businesses Oppose Legislation Allowing Local Wage/Benefit Regulations
(Great Lakes Growth Coalition Opposes This Legislation)**

SB 170 and SB 171 would allow local units of government to set minimum wage rates and benefit mandates in their jurisdictions. This legislation would repeal a prior law nicknamed “Death Star” enacted under Governor Snyder’s tenure 8 years ago to specifically preempt local units from authority to enact such measures.

**Summary of Pending Senate And House Energy Bill Packages
(Great Lakes Growth Coalition Opposes This Legislation)**

SB 170 and SB 171 would allow local units of government to set minimum wage rates and benefit mandates in their jurisdictions. This legislation would repeal a prior law nicknamed “Death Star” enacted under Governor Snyder’s tenure 8 years ago to specifically preempt local units from authority to enact such measures.

Senate Energy Package:

Senate Democrats released revised drafts of SB 271---the “Rates and Dates” renewable/clean energy bill and SB 273 –the Energy Waste Reduction Bill and a revised version of the integrated resource plan bill SB 502 . None of the revised drafts address key industry concerns around cost, reliability, excessive delegation of authority to the Michigan Public Service Commission and feasibility. Democrat leadership appear to be struggling to garner the support necessary to move the bills out of the Senate Energy Committee as they have postponed their weekly Energy Committee meetings for the past two weeks. However, their goal is still to move bills out of committee to the Senate floor this month and a committee meeting could be scheduled any time with short notice. Major business trade groups, including the Michigan Manufacturers Association and Michigan Chamber remain opposed to the revised bills. Below is a brief summary of the bills.

Earlier this year, Senate Democrats introduced a package of bills (SB 271-SB 277) called the “Clean Energy Future Plan” in support of Governor Whitmer’s MI Healthy Climate Plan to reduce greenhouse gases by 52% by 2030 and reach a carbon neutral economy by 2050.. The bills would accelerate the phase out of fossil fuels to produce energy and shift to renewables by phasing out coal-fired power plants by 2030 and creating a 100% renewable energy standard by 2035.

SB 271 as introduced would remove biomass, landfill gas and fuel produced from waste-to-energy as renewable sources and add nuclear energy. It provides for a 100% renewable energy portfolio standard by 2035 and adds municipal utilities to the standard. See bill summary. *A substitute version of the bill would grandfather existing biomass but require carbon capture for any future expansions.*

SB 272 has been sidelined and replaced with SB 502. As introduced, SB 502 would have dramatically changed the current cost of service and production cost model for utility rate design. *A substitute version of SB 502 retains the current ratemaking methodology, but concerns remain with provisions impacting the criteria the MPSC must consider for approval of utility integrated resource plans.*

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SB 273 increases the energy waste reduction standard for gas and electric utilities from 1.5% to 2% beginning in 2026. See bill summary. *A substitute bill for SB 273 has also been released with minor changes.*

SB 274 provides for the development of a Michigan construction decarbonization strategic plan for “building decarbonization” which is defined as the reduction or elimination of greenhouse gas emissions from buildings which includes but is not limited to emissions from building mechanical equipment and appliances that rely on the combustion of fossil fuels. The plan shall provide for the methods and strategies to achieve zero greenhouse gas emissions for any building which construction commences after 2026. See bill summary.

SB 275 establishes a standard for reducing the carbon intensity of transportation fuels. “Transportation fuel” means fuel, including, but not limited to, electricity, gasoline, diesel, ethanol, biodiesel, renewable diesel, propane, renewable propane, natural gas, renewable natural gas, hydrogen, aviation fuel, and biomethane, that is both of the following: (i) Blended, sold, supplied, offered for sale, or used to propel a motor vehicle. (ii) Compliant with applicable standards, specifications, and testing requirements under this act and rules promulgated under this act. As an overall clean fuels standard, the carbon intensity of all transportation fuel produced or imported for use in this state shall be reduced to at least 25% below the 2019 baseline level, as determined under section 3, by the end of 2035. See bill summary.

SB 276 provided for the phase out of coal-fired plants in Michigan by 2030. See bill summary.

SB 277 would allow farmers to rent land for solar energy while maintaining farmland preservation standards. See latest bill summary. *This bill has passed the Senate.*

House Energy Package

While most of the action on energy bills is in the Senate, below find a summary of the House energy package with one new addition.

Shortly after the introduction of the Senate energy package (see above), progressive House Democrats introduced HB 4759, HB 4760 and HB 4761. HB 4759 would change the definition of renewable energy to exclude nuclear, hydrogen, biomass, solid waste and biofuels. It also provides more aggressive renewable portfolio standards (60% by 2030) and a standard of 100% carbon free by 2035. HB 4760 provides for granting the Michigan Public Service Commission (MPSC) with greater authority and sets specific priority goals and considerations for making decisions. These include reliability, safety, resilience, service quality and affordability. HB 4761 amends the low income and energy efficiency provision of the existing law to increase annual efficiency targets for utility bonuses and provides incentives for converting to high efficiency electrification measures for furnaces and appliances.

One additional House bill (HB 5083) has been introduced by Rep. Andrews which is very similar to Senator Singh’s SB 275 (see above) establishing a clean fuel standard for reducing the carbon intensity of transportation fuels.

At this writing, it appears the Senate is taking the lead on the energy package in support of the Governor’s MI Healthy Climate Plan.

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SENATE DEMOCRATS RELEASE REVISED DRAFTS OF ENERGY BILLS

Late Tuesday, Senate Democrats released revised drafts of SB 271---the “rates and dates” renewable/clean energy bill and SB 273 –the Energy Waste Reduction Bill. Last week, a revised version of the integrated resource plan bill SB 502 was released. None of these revised drafts address key industry concerns around cost, reliability, excessive delegation of authority to the Michigan Public Service Commission and feasibility. Democrat leadership appear to be struggling to garner the support necessary to move the bills out of the Senate Energy Committee as they have postponed their weekly Energy Committee meetings for the past two weeks. However, their goal is still to move bills out of committee to the Senate floor this month and a committee meeting could be scheduled any time with short notice. Major business trade groups, including the Michigan Manufacturers Association and Michigan Chamber remain opposed to the revised bills.

HOUSE DEMOCRATS INTRODUCED RENEWABLE ENERGY “SITING” BILLS

House Democrats have introduced a package of bills (HB 5118-HB 5123) to support the siting of renewable and clean energy projects in the state by vesting siting authority with the Michigan Public Service Commission. HB 5118 expands participation in the Property Assessed Clean Energy (PACE) program, HB 5119 grants utility credits for PACE projects, HB 5120 and HB 5121 authorize the MPSC to certify “large” (100 MW+) renewable facilities (solar, wind, storage) to be exempt from local zoning restrictions, HB 5122 and HB 5123 authorizes the MPSC to certify “small “ (50-100 MW) renewable facilities to be exempt from local zoning. A press conference and initial hearing on the bills was held Wednesday with local units of government unified in their opposition to the MPSC overriding their local zoning authority.

MPSC RELEASES RENEWABLE ENERGY REPORT

The MPSC announced it has released its Status of Renewable Energy, Distributed Generation and Legacy Net Metering In Michigan report. Under Public Act 295 of 2008, Michigan electricity providers were required to meet a 10% renewable energy standard based on retail sales by 2015. Public Act 342 of 2016 raised the requirement to 12.5% in 2019 and 2020 and to 15% by the end of 2021. The report finds all electric providers subject to the standards met the goal. The report found that all electric utilities with rates regulated by the MPSC will maintain the 15% standard after 2021, and most electric providers not regulated by the MPSC will voluntarily meet the standard for 2022 and beyond. The report finds that renewable energy performance under the standard grew from 14.1% in 2021 to 16.2% in 2022, a 14.9% year-over-year increase. The report further details that wind energy accounts for 59% of all renewable energy credits used to comply with the 2021 standard.

MPSC RELEASES REPORT ON ENERGY WASTE REDUCTION PROGRAMS

The MPSC announced it has issued a Report on the Implementation of PA 295 2021 & 2022 Utility Energy Waste Reduction Programs. The report found that all of Michigan’s natural gas and electric utilities spent more than \$498 million EWR programs in 2021, expected to result in savings of \$1.36 billion for customers over the 12-year lifecycle of EWR programs and measures. For every dollar spent on EWR in 2021, customers should realize benefits of \$2.73. The utilities spent more than \$517 million on EWR programs in 2022, expected to produce lifecycle savings of \$1.39 billion. For every dollar spent on EWR in 2022, customers should realize benefits of \$2.68.

MPSC FINANCIAL INCENTIVES & DISINCENTIVES WORKGROUP STARTS WORKS

On April 24, 2023 the MPSC issued an order in case U-21400 establishing a utility Financial Incentives & Disincentives Workgroup. A strawman proposal was issued and comments were solicited.

GOVERNOR APPOINTS NEW MPSC COMMISSIONER/REAPPOINTS SCRIPPS AS CHAIR

Governor Whitmer announced she has appointed Alessandra Carreon as the new MPSC Commissioner replacing Tremaine Phillips. Carreon has a degree in chemical engineering from Rice University and a master in business from the University of Michigan. Dan Scripps was reappointed for a term ending in 2029 and will continue as the Commission's chair.

MPSC SEEKING COMMENTS ON UTILITY PERFORMANCE BASED RATE PROPOSAL

The MPSC announced it is seeking comment on a straw man proposal to link utility earnings to performance. The proposal would provide for service standards and reward or penalize utilities based upon their performance on a number of metrics

CONSUMERS ENERGY ANNOUNCES PROPOSAL TO EXPAND ACCESS TO RENEWABLES

In response to the pending energy legislative package, Consumers Energy announced it has voluntarily agreed to expand access to renewable energy. The plan would cut the cost of community solar by 50% and match customers 100% for their energy use. See Consumers press release at link above for details.

MPSC APPROVES DTE INTEGRATED RESOURCE PLAN SETTLEMENT AGREEMENT INCLUDING EARLY CLOSURE OF COAL FIRED ASSETS AT MONROE

The MPSC announced it has approved DTE Energy's Integrated Resource Plan settlement agreement which provides for the retirement of units 3 and 4 of its Monroe plant by the end of 2028 and the retirement of units 1 and 2 by the end of 2032. DTE will accelerate development of renewable projects and energy storage. The distributed generation cap is raised to 6%. See Case U-21193 order for full details.

GOVERNOR APPOINTS PHIL ROOS AS NEW EGLE DIRECTOR

Governor Whitmer announced she has appointed Phil Roos as the new Director of the Department of Environment, Great Lakes & Energy (EGLE). Mr. Roos succeeds acting director Aaron Keatly who will return to his previous role a chief deputy director. Mr. Roos was formerly the CEO of Upland, a strategic foresight, strategy, and innovation consultancy that he founded in 2015. He has a deep background in conservation and environmental protection. He is a graduate of the University of Michigan and Harvard Business School. Mr. Roos succeeds Dan Eichinger who resigned in April 2023.

GOVERNOR APPOINTS SCOTT BOWEN AS NEW DNR DIRECTOR

Governor Whitmer announced she has appointed longtime colleague Scott Bowen as the new director of the Department of Natural Resources.

(continued from page 27)

GOVERNOR SIGNS EXECUTIVE DIRECTIVE TO EXPEDITE PERMITTING

Governor Whitmer announced she has signed Executive Directive 2023-04 which aims to make the state permitting process more predictable, transparent and efficient and require state agencies to remind applicants for missed deadlines where possible.

AIR FEE PENALTIES GO TO LOCAL COMMUNITIES UNDER BILL PASSED BY SENATE

Legislation (SB 26) to provide that civil and administrative fines for air pollution violations can be used for the benefit of local communities has passed the Senate. Senate Bill 26 would add section 5534 to the Natural Resources and Environmental Protection Act (NREPA) to create a new fund, the Air Quality Enforcement and Mitigation (AQEM) Fund, to receive fines from certain air quality violations. Money from the fund could be used for several purposes related to improving air quality in areas designated as an *environmental justice community*.

GOVERNOR SIGNS UPDATED EGLE FEE LEGISLATION

The Governor has signed legislation (HB 5007) which extends the sunset and updates administrative fees for various EGLE programs under the Natural Resources & Environmental Protection Act.

GOVERNOR SIGNS BILL REPEALING “NO STRICTER THAN FEDERAL” RULES

Governor Whitmer has signed into law SB 14 which repeals the current requirement that Michigan’s administrative rules are no stricter than federal requirements. The “no stricter” policy was enacted in 2018 under Governor Rick Snyder.

DEMOCRATS WORKING ON “POLLUTER PAY” LEGISLATIVE PACKAGE

A package of “polluter pay” bills is being crafted under the direction of Senator Irwin. It includes proposed bills creating a cause of action for medical monitoring based upon a Vermont law, creates a state toxics tax based upon the federal IIJA Superfund Chemical Excise Tax, requires upfront financial assurance from industry, changes the statute of limitations for emerging contaminants under NREPA, starts statute of limitations under RJA when claim is discovered, provides for civil and criminal liability for executives when strict liability is triggered and elimination of the Environmental Rules Review Committee established under Governor Snyder.

BILL TO ADDRESS REMOTE PERSONAL PROPERTY TAX CLEARS HOUSE

Legislation (HB 4926 summary) has been introduced by Representative Brenda Carter (D-Pontiac) to permanently fix the remote personal property “situs” problem in Michigan. In the past, legislation has been enacted annually to allow personal property in a remote worker’s possession to be located at its “ordinary” location. HB 4926 provides a permanent fix to this problem.

PRESCRIPTION DRUG AFFORDABILITY BOARD BILLS INTRODUCED & CLEAR SENATE

A package of bills (SB 483, SB 484, SB 484) creating the Prescription Drug Cost & Affordability Review Act has been introduced and passed the Senate. The act would establish a Prescription Drug Affordability Board and Prescription Drug Affordability Council with prescribed membership and duties. The Board and Council would select drug products based upon specific criteria and determine whether to conduct cost and affordability reviews. The Board could establish upper payment limits if a drug were determined to lead to affordability challenges. The act would allow the Attorney General to commence a civil action for a violation of an upper payment limit.

GOVERNOR ANNOUNCES WORK GROUPS FOR GROWING MICHIGAN TOGETHER COUNCIL

In June, Governor Whitmer announced the creation of the Growing Michigan Together Council to address Michigan's need to retain and grow its population. The Growing Michigan Together Council will advise the governor on specific policies to grow Michigan's population, including identifying a population goal for 2050. The council will also look at ways to prepare Michigan's workforce for in-demand jobs and emerging industries by proposing initiatives to improve preK-12 educational outcomes and long-term funding solutions for higher education including financial aid. Additionally, to meet the needs of a growing, thriving population, the council will develop long-term, sustainable transportation and water infrastructure funding solutions. The Governor has announced her selections for various work groups including: Infrastructure & Place, PK-12, Jobs, Talent & Economy, and Higher Ed.

LEGISLATURE COULD ADJOURN AS EARLY AS NOVEMBER

Normally, the Michigan Legislature adjourns on December 31st and reconvenes in mid-January. All bills that have not received "immediate effect" go into effect 90 days after the Legislature adjourns for the year— April 1st. However, there are several bills that Democrats want to go into effect earlier than next April, including a bill that would move Michigan's presidential primary up to February 27, 2024.

Additionally, Democrats currently enjoy a 56-54 majority in the Michigan House of Representatives. However, that could change if two Democrat House Members (Kevin Coleman and Lori Stone) are successful in local mayoral races the first week in November and are forced to resign their House seats. This would cause Democrats to temporarily lose their majority in the House until a special election is scheduled to replace these members whose districts strongly lean Democrat.

MSTA Marketing Corner

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We now have an MSTA Facebook Page, Instagram Page and YouTube Channel. These social media platforms will be your access to industry resources and event information for MSTA Members and the public. See below how you can access and subscribe to these.

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Registration will be available on the MSTa Website at www.msta.biz in March.
Hope to see everyone there!