

Clinton County Ken Mitchell Monthly Report
December 2023

1. Federal Mogal Solar Information. Sent email to township's with FYI 11/16/23.
2. Internet Grant Update with State of MI and Frontier. Sent email update FYI 11/16/23.
3. Granger has asked to increase the amount of solid waste they can accept. I contacted each township about any concerns. 11/16/23
4. \$40K approved from Capital Improvement fund to replace the flooring at the Health Department.
5. Allow for purchase of a UTV to be used by the Emergency Management department in emergency's. \$32K.
6. Central Dispatch has asked to enter into a agreement with Eaton County 911 to use the same vendor to connect each other to a fiber optic network for exchange of data. This will increase efficacies to operations between the counties and actually lower cost for this service.
7. Michigan Association of Counties Policy Summit
 - a. I attended the policy summit with over 100 other county commissioners. Topics covered.
 - i. County Services on behalf of municipalities.
 - ii. Michigan Justice Reform for Kids and Communities and what can counties & courts expect.
 1. There are several positive reforms that are going to take place and the most important is enhanced funding for Juvenal services including diversion programs and housing expenses.
 - iii. Local & Federal Solutions to the Medicaid Inmate Exclusion Policy.
 1. Currently people who are using Medicaid are having their insurance canceled while in some cases they are in pre-trial services. If they are being held in a county jail awaiting trial their services are usually stopped and cost for their services are then covered by the county tax payers. When a person is released from a county jail they have a period of time when they will have no coverage until the state

starts it back up. Several originations / congress are trying to get a change to the system so that prior to release, Medicaid services will be re-instated 30-90 days prior to release. This is complicated by the never ending red tape in the federal government. It has been identified as a huge financial burden on local governments.

iv. Michigan's Aging and Failing Septic Systems.

1. 3 presenters covered concerns, cost etc with this issue. There are several issues and I have added screen shots their presentations.

Workforce Challenges

Estimated the public health workforce will be reduced by 30-50% over the next ten years.

Difficult to recruit and retain the public health workforce (pandemic fatigue, burnout, negative image of public health).

Increase and demand for Environmental Health workforce due to ongoing emerging issues (e.g. Flint response, lead response, well and septic mandates, public water supply oversight, PFAS, Legionella, vapor intrusion, etc. etc.)

The bills as written would require the addition of numerous of LHD staff to handle increased workload for replacement system evaluations, permitting and inspections

Lack of degreed, credentialed, experienced candidates to fill Registered Inspectors and authorized local health department staff.

Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 per year/52 weeks = 5385 systems/week

If each inspector three (3) per week would need 1799 Registered Inspectors

LHD staff increase estimates are not known at this time.

Training, registration, conflicts of interest are concerns.

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Funding Estimates Registered Inspectors

Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimates 280,000 per year/52 weeks = 5385 systems/week to be evaluated.

If each inspector three (3) per week would need 1799 Registered Inspectors

The State would require an application fee of \$180.00 for registered inspectors.

Estimated number of registered inspectors 1799 X \$180 application fee = \$323,820.00.

This revenue goes to state and not authorized local health department that would train and register these individuals.

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Funding Estimates System Replacements

Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 evaluations per year. Point of sale estimates a 25% failure rate or 70,000 failing systems per year.

Conservative estimated cost of conventional system is \$10,000.00. It is estimated that 80% of replacement system permits are for conventional systems. Therefore, 56,000 systems (80% of 70,000) X \$10,000 = \$560,000,000.00

Conservative estimated cost of alternative/nonresidential/engineered system is \$50,000.00. It is estimated that 20% of replacement system permits are for alternative/nonresidential/engineered systems. Therefore, 14,000 systems (20% of 70,000) X \$50,000 = \$700,000,000.00

Total replacement system cost per year 1.25 billion dollars (\$1,250,000,000.00)

Total cost for first five years 6.25 billion dollars. (\$6,250,000,000.00)

State appropriation for \$35 million for Failing Septic System Loan Program. Program has a tentative completion date of September 30, 2026. This would be well underfunded.

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Funding Estimates System Evaluations

Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 per year. Estimated cost of typical onsite wastewater system evaluations from point of sale estimates is \$600.00 per evaluation. Septic tank pumping average estimate is \$400.00. State Administrative fee is \$25.00. Estimated costs for evaluation is \$1025.00

Total cost to complete evaluations per year, $280,000 \times \$1025.00 = \$287,000,000.00$.

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Moving Forward

Take advantage of this opportunity to address same issues that has been discussed for three decades

MALPH/MALEHA Core Principals as a guideline.

Create database. Upon reevaluate and phase in evaluation of all systems with sustainable funding.

In interim, consider statewide inspection program for onsite systems. Trigger to include point of sale, change of use, complaint driven.

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Additional Concerns

Enforcement

Cooperation with County Prosecutor's and law enforcement (serve warrants) for potentially 1000's of new cases statewide.

Addition of more LHD staff to confirm failure, gather evidence to move forward with prosecutions.

FOIA increases

Capacity

Wastewater Treatment Plants, Septage receiving stations statewide

Inspectors, engineers, septage haulers

Preemption of existing local codes

Increase in SSO/CSO releases statewide that continue to pollute waters of the state.

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- i. Zoning for Renewable Energy Facilities: Options for Local Units of Government. These are not intended for legal advice and are comprised for general information.



Zoning for Renewable Energy Facilities: Options for Local Units of Government

Following the passage of Public Act 233 of 2023, communities have a choice from four paths regarding zoning for renewable energy facilities.

1. **No Ordinance:** No action. A local unit may decide not to adopt a renewable energy ordinance if it is willing to leave the siting of large-scale energy facilities to the Michigan Public Service Commission (MPSC).
2. **CREO:** Adopt Compatible Renewable Energy Ordinance (CREO). This means enforcing state standards exactly as they are written.
3. **CREO + Restrictions:** Third, a local unit could choose to adopt a CREO, but with additional restrictions. While a CREO must match the setback distances, fencing requirements, panel height, and decibel levels outlined in state law, legal experts say there is some flexibility in other areas.

When evaluating an application, the MPSC may consider the following factors: local land use, vegetative ground cover, pollinator standards, community improvements, public benefits, impacts on the environment and natural resources, farmland capacity and public health. It does not explicitly say a local unit may consider these factors. However, if the local unit required the information listed above, a developer failed to provide it and the local denied the application, it would be difficult for the MPSC to defend it approving an application in the future.

4. **Non-compatible Ordinance:** Lastly, a local unit may have an existing renewable energy ordinance that is not compatible with state law or may want to adopt one. This ordinance would not be considered a CREO, but as long as the conditions are reasonable or there are incentives offered, it is possible a developer may choose to work with the local unit rather than the MPSC.

Developers may prefer a local unit because:

- They have had prior success working with a local unit of government.
- A local may be able to offer a shorter approval timeline than the MPSC.
- Labor savings — there are certain prevailing wage and bargaining stipulations set out in the new law if a developer applies through the MPSC. It could be less expensive and less restrictive going through the local unit.
- If a developer goes through the MPSC, they must pay each affected local unit up to \$75,000, but no more than \$150,000, for an intervention fund. They would essentially be giving locals money to take them to court.
- If a developer goes through the MPSC, they must pay each affected local unit \$2,000 per megawatt (MW) for community benefits. This means \$4,000 per MW for projects in townships, and potentially \$6,000 per MW for projects in villages.
- The developer may maintain a positive public image by forging a partnership with the community.

Legal disclaimer: This document is not intended to give legal advice. It is comprised of general information.

	No Ordinance	CREO	CREO + Restrictions	Non-compatible Ordinance
Pros	<ul style="list-style-type: none"> ➤ A local unit would be protected from lawsuits by developers. ➤ Local elected officials could be protected from recalls and other political ramifications. ➤ Locals would save time, effort and other resources by not drafting and approving an ordinance. ➤ Each affected local unit receives up to \$75,000 for intervention fund. ➤ Each affected local unit receives \$2,000 per MW for community benefits. 	<ul style="list-style-type: none"> ➤ Locals would have a seat at the table for large scale renewable energy projects. By adopting a CREO, the developer must apply to the local unit first. ➤ Developers will be mandated to participate in public hearings and meetings with local elected officials, allowing for some open discussion. ➤ Allows quick deployment of renewable energy facilities. ➤ Locals will be protected from lawsuits by developers. 	<ul style="list-style-type: none"> ➤ The developer would have to go through local first; the local would have a seat at the table. ➤ Allows for some tailoring to the wants and needs of the community. 	<ul style="list-style-type: none"> ➤ The local unit could still have a seat at the table for large scale renewable energy projects. ➤ Locals wouldn't have to adhere to state standards exactly and could determine reasonable regulations for setback distance, fencing, panel height and decibel level that are designed around the needs of their community. ➤ Some locals have already put the effort into adopting an ordinance and could preserve their work.
Cons	<ul style="list-style-type: none"> ➤ The MPSC can approve projects in your community without any input from local leaders or the public. ➤ Could upset constituents who want locals to be more involved in the process. ➤ "Open for business": a lack of regulation could lead the MPSC to approve a high number of projects in your area. 	<ul style="list-style-type: none"> ➤ Upset constituents – locals will be the public face of enforcing state standards. ➤ Could be susceptible to recall or lawsuits by voters. ➤ No input on factors associated with a project that aren't outlined in state law. ➤ "Open for business": by following state standards exactly, area could become desirable for MPSC and could lead to a high number of projects. 	<ul style="list-style-type: none"> ➤ Local units could be vulnerable to lawsuits from MPSC or developers if the ordinance is not structured with care –litigation may be necessary for the boundaries of the law to be made clear. ➤ Local unit faces choice of how aggressive to be – there is no mechanism for a developer to immediately challenge whether an ordinance is "compatible." ➤ Could make the local unit appear difficult or deceitful in eyes of industry. 	<ul style="list-style-type: none"> ➤ This path is a total gamble – a developer could easily bypass the local unit entirely and go straight to the MPSC. ➤ Local units could be vulnerable to lawsuits by developers.