

Campground Regulations Workgroup Meeting Minutes September 15, 2014, 1:00 p.m.

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

Abbreviations

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance and following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 1968 as amended
- ARVC-MI means the Association of RV Parks and Campgrounds of Michigan
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LARA means the Michigan Department of Licensing and Regulatory Affairs
- LHD means local health department
- MARVAC means Michigan Association of Recreation Vehicles and Campgrounds
- MDARD means the Michigan Department of Agriculture and Rural Development
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

Attendance

The seventh meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:13 p.m. Members and guests attending this meeting were:

- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR) by teleconference
- David Cordray, White River Campground, representing ARVC-MI
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Mary Kushion, Mary Kushion Consulting by teleconference
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Bill Sheffer, Director, MARVAC
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance (ODWMA)
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program

Guests

- Sylvia Renteria, DEQ

Members Absent

- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Debra Duffy, Family Campers & RVs
- Bob Garcia, Family Motor Coach Association
- Keith Lambert, Michigan Department of Licensing and Regulatory Affairs (LARA)
- Richard Miller, State Fire Marshall, LARA Bureau of Fire Services
- Carrie Monosmith, Chief, DEQ Environmental Health Section
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA)
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Sarah Rottiers, REHS, DEQ Campground Program
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

Invited Stakeholders Not Present

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)

Introductions of Members and Guests and Other Member Information

Sylvia Renteria from the DEQ Executive Office attended this meeting.

Sarah Rottiers began working for the CG Program on September 2, 2014. She replaces Nancy Allen who retired from DEQ at the end of March. Sarah will be able to attend the October meeting.

Minutes

The minutes of the August 11, 2014 meeting were approved.

CG Program Funding and Section 12506a

As discussed in previous workgroup meetings, due to the loss of General Fund and increased costs being charged to programs, the CG Program is in need of additional funding to support current positions. In the past few years, as many as 8 DEQ staff members have worked part-time to full time in the CG Program. This has amounted to about 3.5 Full Time Equivalent (FTE) positions. However, CG fee revenue has eroded so that it currently supports 1.5 FTEs and probably less. In January 2014, two people were eliminated from working in the CG program, but this only saved about 1 FTE. The current FTE cost is about \$145,000 per year.

Another program cost issue is that LHDs have not had an increase to the fees DEQ pays them to offset their CG program costs. The LHDs currently receive \$25 per CG inspection per year. This fee has not been changed in decades. Any increased payments to the LHD will need to be absorbed in CG fees. Since \$25 has not covered the cost of doing inspections for many years, most LHDs charge inspection fees. A modest increase in the DEQ payment could offset increases in LHD fees that may be necessary in the future.

The DEQ ODWMA is committed in the near future to offset CG fee increases from Non-Community Water Supply (NCWS) funds to about 40%. However, this depends on the actual work effort directly related to the number of CGs on NCWSs. The NCWS fees actually go directly to the LHDs, but various other related sources of revenue from federal sources can be utilized to meet this commitment. Currently, there are 1,146 NCWSs at CGs paying \$130 each. This amounts to about \$149,000 per year which would be the maximum commitment available from NCWS funds.

Any costs related to the upcoming Revised Total Coliform Rule are not known at this time. The link goes to the DEQ Web [page](http://www.michigan.gov/deq/0,4561,7-135-3313_3675_3692-330224--00.html) (http://www.michigan.gov/deq/0,4561,7-135-3313_3675_3692-330224--00.html) goes to the DEQ webpage for the Revised Total Coliform Rule.

Although CGs pay wastewater fees to DEQ, since the fees are paid to a different division, ODWMA does not administer them nor do we have access to them.

Some possible additional revenue could be obtained from licensing federal campgrounds located in Michigan. Until 2004, government owned CGs were exempt from licensing fees. At that time, DEQ began collecting CG license fees from state and local governments. However, we failed to license national park and national forest CGs. There are about 83 national forest CGs and 11 CGs in national parks. DEQ will start the process to license these in 2015.

Licensing fees charged to temporary CGs should also be changed. The workgroup made no recommendations whether to raise or lower these fees. Since temporary CG fees are collected by the LHD, and they are licensed by and inspected by the LHD, this fee could be used as a tradeoff. To streamline the DEQ CG Program business process, the temporary CG license fees could be paid to and retained by the LHD.

CG construction permit fees also need to be adjusted to reflect actual costs. Currently there are CP fees for new campgrounds and for additions or modifications to existing CGs. DEQ staff will look at fee changes and additional categories for construction permits. Related to this are construction inspection fees. The Act currently has no fees for construction inspections.

DEQ staff will make draft some proposed language for Sec 12506a for next meeting.

Section 12505 Construction permit for campgrounds...

The workgroup again discussed the issue of zoning and special use permits for CGs. Although many other permits are required for CGs, the CG Program has more difficulty with local zoning issues than the others. Some language is necessary here or in the rules to emphasize local zoning requirements. It is not intended that DEQ hold up a plan review until local zoning is complied with. The proposed language requiring evidence of local zoning approval needs some adjustment. What evidence should be submitted? Should a zoning approval or zoning application be required?

Section 12506 Campground license required...

The workgroup agreed with removing the requirement for a three-year license. Since less than 3% of CGs actually paid a three-year fee to obtain a three-year license, this is not preferred by CG owners.

The workgroup discussed adding a penalty fee for nonpayment or for operating without a license. DEQ staff will add proposed language for these penalty fees.

The workgroup agreed with the proposed language for temporary CG licenses, with the licensing fees to be the same as for a permanent CG. However, some language in this section may be better moved back to the rules.

Section 12506b Campground fund...

No changes are proposed for this section.

Section 12507 Campground facilities to meet requirements...

The workgroup agreed with the proposed language to require inspections to determine if a CG meets requirements and to require that CGs are operated and maintained to protect the public health and safety.

Sections 12508 Campground license; issuance... and 12509 Campground license; transfer.

No changes are proposed for this section.

Section 12510 Annual inspection by local health department...

The workgroup agreed to discuss an increased payment to LHDs for CG inspections.

Section 12511 Rules.

The workgroup agreed to change requiring “an” advisory board in place of “the” advisory board.

Section 12512 Notice of noncompliance...

The workgroup agreed to discuss a penalty fee operating without a license.

Section 12513 Advisory board...

Since the CG advisory board was abolished by Executive Order 2009-17, the workgroup agreed to repeal this entire section. DEQ would convene an ad hoc workgroup, such as ours, to perform these functions.

Section 12514 Access to campground...

No changes are proposed for this section.

Section 12515 Application and construction of...

Although no changes were proposed for this section, the workgroup generally agreed to the language in Sec 12505 about securing building permits, etc. Some of that language may be better placed in this section.

Section 12516 Violation as misdemeanor...

No changes are proposed for this section.

Assignments

- DEQ staff will propose revised CG fees for Sec 12506a for next meeting.
- DEQ staff will propose a revised fee payment to LHDs.
- DEQ staff will propose language for penalty fees for non-compliance and operating without paying license fees.
- DEQ staff will compile the entire Act revision to date and deliver this and a summary of changes to the workgroup.

Next Meeting

The next meeting is set for Monday, October 13, 2014, at 1:00 p.m. in Lansing, McCauley Conference room, 4 South, Constitution Hall. A meeting date for November has not been set yet. The teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 4:05 p.m.

Attachment

Respectfully submitted,
Paul D. Sisson
October 7, 2014