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December 4, 2018

Larry Inman
State of Michigan House of Representatives
S-1388 House Office Building
PO Box 30014
Lansing, MI 48909

RE: House Bills 5752 and 5753, Statewide Sanitary Code to Regulate Onsite Wastewater Systems

Dear Representative Inman,

Grand Traverse County Health Department (GTCHD) does not support the proposed legislation to establish a statewide sanitary code through HB 5752 and HB 5753. The bills have been referred to the House Local Government Committee which will be meeting Wednesday, December 5 at 8:15 a.m. to hear testimony and vote. We understand that if the bills are voted out of committee, then a vote by the House could happen soon. GTCHD does recognize some positive aspects of the proposed legislation, but opposes the bills as written for the following reasons:

- GTCHD and all Local Health Departments in Michigan have been excluded from meetings, conversations, and the process of writing the bills that will significantly impact the structure and function of LHDs and how wastewater is regulated in Michigan. There is no better group in Michigan that understands the regulation of onsite wastewater systems than LHDs.
- There is no established funding mechanism inherent in these bills. The bills would require a significant workload increase at the local health department level. Currently, 4 million dollars has been earmarked by the Governor for this legislation, but the estimated cost is 13.8 million dollars. This proposed one time funding would cover less than 30% of costs, so the remainder would be collected in local fees passed on to citizens of Grand Traverse County.
- The proposed legislation would require septic system inspections when there is a change of use, a new structure or addition proposed, when requested or permitted by the owner (time of sale) or as the result of a complaint. Also, many systems that use treatment technology or

simply have a pump would be required to be inspected every 5 years. This may be considered an unnecessary infringement on property rights. In addition, local health departments and local governments would lose local control over whether or not they want an inspection program for septic systems. In fact, current inspection ordinances would be preempted by this legislation.

- The legislation would shift control and regulation of septic systems that generate less than 1000 gallons per day (residential homes and small businesses) to the Department of Environmental Quality. Grand Traverse County has a strong sanitary code that reflects the community's commitment to protect public health and the environment. The County would lose local control over the regulation of wastewater without having any input into legislation that fundamentally changes the regulatory structure of a process that has been in place for over forty years.

In Grand Traverse County, groundwater and the environment are protected through strong regulations and there is no evidence to suggest that a major overhaul of the regulatory structure for onsite wastewater would have any positive impact on our community. Arguably, the proposed statewide sanitary code does have many public health benefits. However, the costs outweigh the benefits at this point. There are a handful of local health departments in the state that have weak regulations. However, the vast majority of local health departments have robust sanitary codes which protect public health.

Many organizations also oppose this legislation, including: Health Department of Northwest Michigan, Benzie-Leelanau District Health Department, District Health Department Number 2, District Health Department Number 4, Tip of the Mitt Watershed Center, Watershed Center Grand Traverse Bay, Michigan Association of Local Environmental Health Administrators, Michigan Association of Counties, and Michigan Township Association.

Thank you for your time and consideration. If you have any questions or would like to discuss this matter in detail, please call.

Sincerely,



Wendy Hirschenberger, MPH, CPHA
Health Officer
231-995-6101



Daniel Thorell, MS, RS
Environmental Health Director
231-995-6121

cc: Michigan House of Representatives Local Government Committee
Nate Alger, Administrator, Grand Traverse County

Pros/Cons list to consider for House Bills 5752 and 5753 (Statewide Sanitary Code)

Pros	Cons
The DEQ would create minimum standards for septic systems that would force greater public health protection in a handful of Local Health Departments (LHD) that have inadequate sanitary codes..	LHDs and their governing boards will lose local control over the regulation of onsite wastewater systems and wastewater discharges from private homes and small businesses. The vast majority of LHDs have adequate sanitary codes that protect public health. The DEQ and legislature could simply focus on the bad actors and leave the high functioning LHDs alone.
The Bills would require minimum qualifications for LHD employees that work in the onsite wastewater program. This would insure that Sanitarians are qualified and competent to issue permits, investigate complaints, and conduct inspections.	There will be significant costs for LHDs to send existing staff to trainings once they are available.
HB 5752 will require that all Alternative Septic Systems be inspected every 5 years which will help insure that these systems are operating as intended and required.	The definition of an "Alternative System" is very broad and includes any system that is not a "Conventional System," which is defined as a system with nonuniform distribution. Therefore, any dosed system could be considered an Alternative System. Thousands of septic systems within LHD jurisdictions would require inspections every 5 years. This would require significant LHD staff resources that do not currently exist.
HB 5752 would require an onsite wastewater treatment system evaluation when certain triggers occur. This would certainly find and remediate problems and afford greater public health protection.	Would prevent a LHD from preventing or conditioning the sale of property unless the septic system is causing an imminent danger. Again, there is loss of local control as this would preempt any inspection ordinances that already exist. The triggers that require an inspection are broad and may be considered an infringement on property rights.
There are minimum requirements of the septic evaluation that will provide consistency across the State and include factors that are important to determine the condition of the septic system.	The required list of inspection components is incomplete. For instance, there is no mention of determining isolation distances from wells, surface water, or groundwater. This is a perfect example of why LHD stakeholders should have been included in the process of drafting the legislation.
The Governor's Office stated that 4 million dollars will be added to LHD appropriations for 2018/2019. (This is according to Eric Pessell)	The cost estimate for LHDs to implement the requirements of this legislation is \$13.8 million. The proposed funding from the State will not meet 50% to administer a Statewide Sanitary Code. LHDs will be forced to pass along costs to property owners/taxpayers. Is the proposed funding increase a sure thing and will it be there in the following years?
The DEQ will develop and maintain an online electronic database for recording and tracking the results of onsite wastewater system evaluations. This would be a tremendous resource managing septic systems statewide.	The DEQ does not have a successful track record with developing software or databases for programs. For example, "Watertrack" has been a problematic and inferior database for Type II water supplies for years.

