



Date: April 11, 2018

To: Members of the Michigan House Natural Resources Committee

From: Kara Cook, Government Affairs Manager | Nick Occhipinti, Government Affairs Director

Re: Support of House Bills 5752 and 5753

The Michigan League of Conservation Voters (LCV) is the non-partisan, political voice for Michigan's land, air, and water. On behalf of our statewide membership and our Board of Directors, Michigan LCV expresses support for House Bills (HBs) 5752 and 5753 sponsored by Reps. Lower and Hammoud. Michigan LCV reserves the right to score in favor of YES votes on HBs 5752 and 5753

House Bills 5752-53 would create a statewide septic code. This program would be jointly administered by the Department of Environmental Quality (DEQ) and the Local Health Departments (LHD) and would set up a fund within the State Treasury Department to collect administrative fees. This bill requires a comprehensive assessment of a septic system every 10 years and language to trigger more thorough evaluations in-between inspections. In addition to the inspection regime, HBs 5752-53 also requires the creation and maintenance of an electronic database for wastewater treatment systems to ensure that the state is up to date on where systems are and where there are failing systems. The program requires a 3 year phase out of current septic ordinances and includes language for standards during the transition period until this act is fully enabled. Finally, the bills creates a technical advisory committee that will advise the DEQ on rule promulgation. The bill package requires that the final statewide septic code rules shall "provide a baseline protection for public health and the environment."

Michigan recently earned a grade of a "D" in wastewater infrastructure from the American Society of Civil Engineers 2018 scorecard.¹ As the Great Lakes State, Michigan should be leading the way in the protection of our unique water resources. Michigan is the only state in the country without uniform standards that govern how on-site sewage treatment systems are designed, built, installed and maintained.

Statewide code and maintenance requirements are needed to ensure that none of the 1.3 million septic systems in the state present a risk to the public. In a 2015 study, Michigan State University (MSU) researchers found bacteria from human fecal waste in 100 percent of the sixty-four Michigan river systems they sampled.² The researchers found a direct connection between fecal bacteria concentrations and the number of nearby septic systems. Additionally, in 2013 the DEQ tested 200 water bodies for E. Coli and determined that at least 48 percent of the rivers and streams tested exceeded the safe level of E. Coli for human body contact.³ The DEQ estimates that approximately 130,000 septic systems are currently failing, which are believed to release 31

¹<https://www.bridgemi.com/public-sector/michigans-2018-infrastructure-report-card-d>

²<https://msutoday.msu.edu/news/2015/septic-tanks-arent-keeping-poo-out-of-rivers-and-lakes/>

³http://www.michigan.gov/deq/0,4561,7-135-3313_3681_3686_3728-383659-,00.html

million gallons of raw sewage every day into our groundwater and lakes, rivers, and streams⁴. Further, 22 percent of monitored beaches had closures due to bacterial pollution in 2014. Implementing a statewide code and establishing inspection and maintenance requirements for septic systems will decrease septic discharge and e.coli contamination in the rivers and watersheds we depend on.

Currently, LHDs in Michigan regulate the location of septic systems, but for the majority of the state, that is where the regulation ends. Only 11 of Michigan's 83 counties have gone beyond existing state regulations and enacted programs designed to detect failing or failed septic systems to trigger repair and maintenance. County level septic regulations have been very successful in reducing the percentage of failing septic systems. Benzie County was able to reduced its septic failure rate by 5 to 8 percent just a few years after adopting its septic ordinance in 1990.⁵

While Michigan LCV is supportive of the bills we are interested in working with the Committee and Bill Sponsors to bring greater clarity to several outstanding issues including:

- Funding for distressed homeowners and recently vacated units.
- The appropriate amendment or phase-out of existing programs. The bills should not punish programs that have proactively worked to address this issue; we should capture and utilize their best practices.
- Require a baseline level of uniformity across communities, but recognize and allow for differences culturally, economically, and geologically. Communities that comply with baseline regulations, should be allowed to go above and beyond in protecting their residents and environment
- The quality of system assessments and the 10 year duration in between inspections

For well over a decade elected officials and community leaders across Michigan have called for a statewide septic code, but so far we have failed to act. Establishing inspection and maintenance requirements for septic systems will help prevent the chronic threat that septic discharges pose to the water we drink and depend on. Michigan LCV respectfully request that members of the House Natural Resources Committee support HBs 5752 and 5753, and work to bring stakeholders together around the outstanding concerns. **Again, Michigan LCV reserves the right to score a vote on HB 5752 and 5753 on our Legislative Scorecard.**

⁴<https://www.bridgemi.com/public-sector/michigan-has-nations-weakest-regulations-septic-systems>

⁵http://www.mlive.com/environment/index.ssf/2013/05/thousands_of_failed_septic_tan.html