



**Michigan House of Representatives
Natural Resources Committee
Hearing on HB 5752 and HB 5753**

*Written Testimony Submitted by
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Thank you for the opportunity to provide comments today on HB 5752 and HB 5753. I am Grenetta Thomassey, Watershed Policy Director for Tip of the Mitt Watershed Council, founded in 1979. The Watershed Council is a nonprofit organization whose purpose is to protect, restore, and enhance water resources, including inland lakes, rivers, wetlands, groundwater, and the Great Lakes.

For the past two years, the Watershed Council has been working with local governments, lake associations, and health departments to review Onsite Wastewater Treatment System oversight policy, with a focus on individual septic systems. We found that the state and most local agencies do not have easily accessible information about these systems, and how they are working. And one important fact jumped out for us: **Most on-site septic systems in the state are never inspected again, once installed.**

Michigan is the only state in the nation without uniform standards for how on-site septic systems are designed, built, installed and **maintained**. We have no issues with the way local sanitary codes in Michigan are written and enforced, and I personally served on committees for our local health department when it did a code update back in 2007, and then again in 2017. However, local sanitary codes only focus on the installation of new systems. **Our issue is with the fact that nothing in the state requires maintenance of existing systems.**

In most counties in Michigan, after a system is built, the counties do not follow up to make sure those systems are functioning properly. The exception to this are the few locations in the state with ordinances requiring inspection during the transfer or sale of property. Our experience with these ordinances is generally positive, and local health departments generally agree. **Time of Transfer (TOT) ordinances allow us to discover problems that are subsequently addressed.** Unfortunately, these inspections do not capture all of the older systems that need attention, when the property is not being sold.

We do understand the desire to ban TOT ordinances if you require a mandatory inspection process. **However, we do not support banning existing ordinances within 3 years.** What if the rules are not promulgated yet? **This is not a reasonable time frame and it should be extended to at least 5 years, to allow locals with successful ordinances in place to have a smooth transition.**

Our biggest concern is protection of water resources. We don't think that mandatory inspections should be required for every single system in the state. **Rather, we suggest using something similar to the**

resources. **These concerns need time for careful consideration if inspection requirements are going to be spelled out in these bills.** For these complicated concerns, the legislature should take time to ensure we get it right.

Which brings us to the topic of timing. **We support these bills in concept, but we are not supportive of the process as it has unfolded, so far.** There is a need for broad discussion of various approaches. **If the Technical Advisory Committee is expected to iron out the important details, then we do not support that.** We do not support passing bills that say we are required to do inspections without getting feedback from stakeholders in the state – more than just realtors and local health departments. **And we take issue with the makeup of the committee for several reasons.** First, only the governor is appointing members, and that seems skewed. Next, the makeup of the committee should be weighted in favor of local health departments, who are the practitioners for this work. Also, the additional members suggested should be discussed further, as some seem quite inappropriate and some possible members are missing. Finally, the term of an Advisory Committee member is 4 years. **Is there an end-date for the Technical Advisory Committee?**

The bill also creates “**registered inspectors**” who are not DEQ or health department staff. Presumably, this is to alleviate staffing concerns for both, which are sure to arise with the increased work. **Other states use consumer protections if they use outside inspectors.** I found examples where the local health department conducts a training program for private inspectors, and issues and renews credentials. Inspectors report directly to those local governments or health departments, to protect citizens from fraud or bad practices. In those cases, citizens pay fees to the county or township, to cover costs of the program.

We applaud the inclusion in HB 5753 that allows local health departments to pass codes more stringent than the statewide code, if needed. We have great respect for the locals and their knowledge base, and there should be a longer discussion of the many concerns these bills raise for them.

So again, **we support these bills in concept, but do not support passage, as they are.** Thank you for the opportunity to submit written testimony.

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