



COUNTY ADMINISTRATOR
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TO: Christina Montague, Chair
Washtenaw County Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Rebecca A. Head, Director
Department of Environment & Infrastructure Services

Dick Fleece, Director
Environmental Health Division

DATE: May 5, 1999

SUBJECT: A resolution establishing a Public Hearing for the May 19, 1999 Ways and Means meeting on the proposed Point of Sale Regulation for Onsite Well and Sewage Disposal System (OWSDS) Inspection

BOARD ACTION REQUESTED

The Environmental Health Division is requesting that the Washtenaw County Board of Commissioners approve the resolution establishing a Public Hearing on May 19, 1999 at 6:45 p.m. to receive comment on the adoption of a Point of Sale regulation for OWSDS inspection, to be brought before the Board for final action on June 9, 1999.

BACKGROUND

On October 8, 1998, the Washtenaw County Board of Commissioners conducted a Working Session to discuss the conditions for, and the advantages of, a draft regulation brought forward by the DEIS Environmental Health Division. This proposal was for a Point of Sale regulation for OWSDS inspection. This regulation will require inspection and evaluation of an OWSDS whenever there is a property change of use or transfer. Individuals certified by the Division will perform these inspections and evaluations. These third party inspectors will be required to demonstrate knowledge of OWSDS operations and have certification by the county. To avoid conflict of interest, inspectors are precluded from installing or repairing systems they have inspected. Reports are to be filed with the Division within 10 days of inspection. These reports will include a description of system status, a summary of needed repairs and recommendations to extend the service expectancy of the system. If an OWSDS is found to be non-compliant or there is an endangerment to public health, a notice will be promptly mailed to the property owner. The owner will then have 30 days to submit a corrective action plan, with all remediations to be completed within 120 days. These inspections will be a supplementary mechanism to identify illicit connections as required under the Voluntary Stormwater General Permit agreement submitted to the federal courts.

DISCUSSION

Letters requesting comments and copies of the proposed regulation were mailed to over 250 potential stakeholders in late March. When comments were received regarding the amount of time for remarks, the Division sent letters and the second draft of the regulation to the same potential stakeholders extending the comment period. To ensure ease in submission for comments and to include all interested parties, the Division arranged to take comments by email, fax, telephone and written letter. During the comment period, the Environmental Health Director and staff have implemented meetings with the following stakeholder groups to listen to comments, concerns and issues:

- Contractors, engineers and well-drillers
- Washtenaw County MTA
- Mortgage Lenders and Title companies
- Area Realtors

IMPACT ON HUMAN RESOURCES

None indicated for this resolution.

IMPACT ON BUDGET

None indicated for this resolution.

IMPACT ON OTHER COUNTY DEPARTMENTS

None indicated for this resolution.

CONFORMITY TO COUNTY POLICIES

This proposal conforms to county policy

ATTACHMENTS

- A. Resolution to establish a Public Hearing
- B. Notice of Public Hearing

Prepared by:

Donna J. Southwell

A RESOLUTION SETTING A PUBLIC HEARING ON MAY 19, 1999 AT 6:45 P.M. TO RECEIVE COMMENT ON THE ADOPTION OF A POINT OF SALE REGULATION FOR ONSITE WELL AND SEPTIC DISPOSAL SYSTEMS INSPECTION

WASHTENAW COUNTY BOARD OF COMMISSIONERS

May 5, 1999

WHEREAS, the Washtenaw County Board of Commissioners is committed to promoting the safety, public health, and general welfare of the community; and

WHEREAS, the Washtenaw County Board of Commissioners is committed to protecting the ground water and surface water of Washtenaw County; and

WHEREAS, the contamination of drinking water and the premature failure of Onsite Sewage Disposal Systems has the potential for causing illnesses, mortality and economic blight, transmitting disease, and constitutes a threat to the quality of surface and subsurface waters of this area; and

WHEREAS, leaking septic systems have been identified as the leading cause of water-borne illnesses; and

WHEREAS, on October 8, 1998, the Washtenaw County Board of Commissioners conducted a Working Session to discuss the conditions for, and the advantages of, a Point of Sale regulation for Onsite Well and Septic Disposal Systems inspection; and

WHEREAS, an additional benefit to these inspections will be a mechanism to identify illicit connections required under the Stormwater General Permit; and

WHEREAS, this regulation supplements the implementation of duties and functions vested in the Environmental Health Division by state law; and

WHEREAS, this proposal includes the regulation of sewage and sewage disposal, water supplies, sanitation of habitable buildings, dwellings and property, for protecting surface and ground water, drinking water and the environment from improper or malfunctioning sewage disposal facilities, systems and devices and from sewage or related liquid and wastes; and

WHEREAS, the regulation includes preventing or minimizing degradation of the environment as it relates to public health; and

WHEREAS, this regulation is considered a minimum standard and supplements the rules and regulations duly enacted by the Michigan Department of Public Health and Washtenaw County, and are supplemental to the laws of the State of Michigan relating to the public health or contamination of the environment; and

WHEREAS, by virtue of the power invested in the Washtenaw County Board of Commissioners under 1978 PA 368: MCLA 333. 1 101 et seq.; MSA 14.15 et seq., as amended; and

WHEREAS, by virtue of the duties imposed by the Michigan Environmental Protection Act, 1970 P.A. 127; MCLA 691.1201-7;MSA 14.528(201)-(207), and to prevent or minimize degradation of the environment and the public trust as it relates to public health, this regulation is being considered for adoption; and

WHEREAS, MCLA 333.2442 of the Public Health Code states that the notice of public hearing shall be given not less than 10 days before the actual public hearing; and

WHEREAS, the County has reviewed this matter Clerk, the County Administrator and Corporation Counsel;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby establishes a public hearing on May 19, 1999 at 6:45 p.m. in the Board Room at 220 N. Main Street, Ann Arbor, Michigan to receive public comment on the establishment of a Point of Sale Regulation for Onsite Well and Sewage Disposal System Inspection for final adoption at the Board session on June 9, 1999.

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