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TO: Jeff Irwin, Chair  
Board of Commissioners

THROUGH: Robert E. Guenzel  
County Administrator

FROM: Anthony VanDerworp, Director  
Department of Planning and Environment

DATE: September 3, 2008

SUBJECT: Public Hearing on the Proposed Washtenaw County Regulation  
for the Onsite Management, Treatment and Disposal of  
Wastewater

**BOARD ACTION REQUESTED:**

It is requested that the Board of Commissioners approve the attached resolution setting a date for a Public Hearing on the Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

**BACKGROUND:**

Clean water and proper sewage treatment and disposal have done more to extend life expectancy in the United States than all other public and personal health actions combined. This new proposed Regulation builds on basic public and environmental health principles to continue Washtenaw County's leadership in the protection of public health and the environment.

The current "Washtenaw County Sewage Code, Rules and Regulations for the Disposal of Sewage and Human Excreta", was first adopted in 1961 with minor amendments approved in 1977 and 1979. While the current regulation has served the County well in permitting new construction there was little consideration given for maintaining systems once they were in place and it allowed major repairs to occur with no oversight by the County.

Other deficiencies that have become more evident over time have included; the inability to provide consumer protection from unscrupulous contractors, the inability to take advantage of greater public health protections offered by advancements in technology,

and the inability to incorporate improvements in the knowledge of public health principles and technological advances over the last 30 years in the protection of surface and ground water.

The proposed Regulation for the Onsite Management, Treatment and Disposal of Wastewater will address these issues through:

- Contractors and Operation and Maintenance Service Providers Registration and Certification
- Operating permits for alternative onsite sewage systems and larger commercial systems generating 2000 gallons per day or more
- Repair permits for repairs within a drainfield
- Increased vertical separation to the Groundwater
- Allowing alternative systems in use in other areas to be reviewed and evaluated for acceptance through a controlled approval and evaluation procedures

### **DISCUSSION:**

The need for revisions to the existing Sewage Regulation has been building for some time. The current regulation has inconsistencies with other County regulations, existing fees and outdated terminologies. Staff routinely work with other local agencies, the Michigan Department of Environmental Quality (MDEQ), contractors, consultants and engineers to identify solutions and best management practices. As part of the process for developing the new regulation, staff made significant contact with other agencies to develop benchmarks for the future. Staff also reviewed recommended practices by the USEPA Onsite Wastewater System Manual, performed internet searches of dozens of existing codes and spoke with other regulatory agencies across Michigan and the Country.

An internal draft of the proposed regulation was completed in February of this year. At that time there was a comprehensive effort to solicit comments from the regulated community and other affected parties.

That effort included:

- Presentation to contractors and installers in Washtenaw County
- Discussion with the Public Health Advisory Committee/Environmental Appeals Board
- Meetings with engineers and consultants
- Meeting with suppliers and manufacturers
- Two separate discussions with the Home Builders Association
- Presentation to the Michigan Septic Tank Association
- Provided information to the Board of Realtors
- Presentation to the Washtenaw County CEO Group
- Discussion with several concerned Commissioners

As a result of those meetings several significant changes to the proposed February regulation draft were made:

- Removed the requirement for reporting of minor repairs (including septic tank pumping)
- Grandfathering existing locations on the increased vertical isolation requirement from groundwater unless there was a failure or potential contamination related to the isolation distance
- Added a process for technologies accepted in other areas to become demonstration projects and ultimately approvable as an alternative system
- Modified some definitions and terminologies

This regulation is allowed under authority of the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended. It provides authority to the Public Health Officer and her authorized representatives to enforce the regulation. The regulation will allow for the establishment of fees to cover the cost of implementing and enforcing the regulation.

**IMPACT ON HUMAN RESOURCES:**

No additional personnel are anticipated as a result of this regulation.

**IMPACT ON BUDGET:**

None.

**IMPACT ON INDIRECT COSTS:**

None.

**IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:**

None.

**CONFORMITY TO COUNTY POLICIES:**

This action is in conformance with County policies. The regulation has been reviewed by the Washtenaw County Public Health Advisory Committee / Environmental Appeals Board, and by Corporation Counsel.

**ATTACHMENTS/APPENDICES:**

Resolution

Preparer: Daniel R. Myers P.E.  
Director of Public Works

RESOLUTION SETTING A PUBLIC HEARING TO RECEIVE COMMENT ON  
THE PROPOSED WASHTENAW COUNTY REGULATION FOR THE ONSITE  
MANAGEMENT, TREATMENT AND DISPOSAL OF WASTEWATER

WASHTENAW COUNTY BOARD OF COMMISSIONERS  
September 3, 2008

WHEREAS, The Washtenaw County Board of Commissioners has authority under the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended to establish regulations to protect the public health and environment; and

WHEREAS, the safe and sanitary treatment and disposal of human sewage wastes is fundamental to individual, community, and public health and protection of the environment; and

WHEREAS, privately owned onsite sewage systems can be an effective means of sewage treatment and disposal if they are properly sited, designed, constructed, operated, and maintained; and

WHEREAS, a county regulation will provide assurance for the proper siting, design, construction, operation, and maintenance of private onsite sewage systems; and

WHEREAS, a Regulation for the Onsite Management, Treatment, and Disposal of Wastewater has been drafted by staff of the Washtenaw County Planning and Environment Department with input from interested parties; and

WHEREAS, in order to proceed with adoption of the proposed Regulation for the Onsite Management, Treatment, and Disposal of Wastewater it is necessary to hold a public hearing to hear comments on the proposed regulation.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Washtenaw will hold a Public Hearing on Wednesday, October 1, 2008 at 6:45 P.M. Michigan Time at 220 N. Main Street, Ann Arbor, Michigan, for the purpose of taking comments on the proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

BE IT FURTHER RESOLVED that notice of such public hearing, in a form similar to Exhibit A, shall be given by publication thereof in the Ann Arbor News at least ten (10) days prior to the public hearing.

**EXHIBIT A**

**WASHTENAW COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING NOTICE**

**NOTICE OF PUBLIC HEARING ON  
A PROPOSED REGULATION FOR THE ONSITE MANAGEMENT,  
TREATMENT AND DISPOSAL OF WASTEWATER**

**TO ALL INTERESTED PARTIES:**

**PLEASE TAKE NOTICE** that the Board of Commissioners of the County of Washtenaw will hold a Public Hearing on Wednesday October 1, 2008 at 6:45 P.M. Michigan Time in the Board Room of the County Administration Building at 220 N. Main, Ann Arbor, Michigan for the purpose of taking comments on the proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

The proposed regulation is established under authority of the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended.

The Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater recognizes:

The safe and sanitary treatment and disposal of human sewage wastes is fundamental to individual, community, and public health;

Privately Owned Sewage Systems must be designed, installed and operated in a proper manner to safeguard public health and the environment.

The regulation will address the following subjects and issues related to Onsite Management Treatment, and Disposal of Wastewater:

- Contractor Registration and Certification
- Operating permits for alternative systems and larger commercial systems
- Repair permits for repairs within a drainfield
- Increased vertical isolation to the groundwater
- Allow alternative systems in use in other areas to be reviewed and evaluated for acceptance

The Washtenaw County Board of Commissioners may consider adopting the regulation at its regularly scheduled meeting on Wednesday, November 5, 2008. The proposed effective date of the regulation will be 45 days after adoption by the Board of Commissioners.

The proposed regulation is available online at:

[http://www.ewashtenaw.org/government/departments/environmental\\_health](http://www.ewashtenaw.org/government/departments/environmental_health)

A copy of the Regulation can be obtained at the Department of Planning and Environment, 705 N. Zeeb Road, Ann Arbor, Michigan 48107. The offices are located on the first floor of the Washtenaw County Western Service Center. To ask questions or obtain information on the regulation, please call (734) 222-3800.